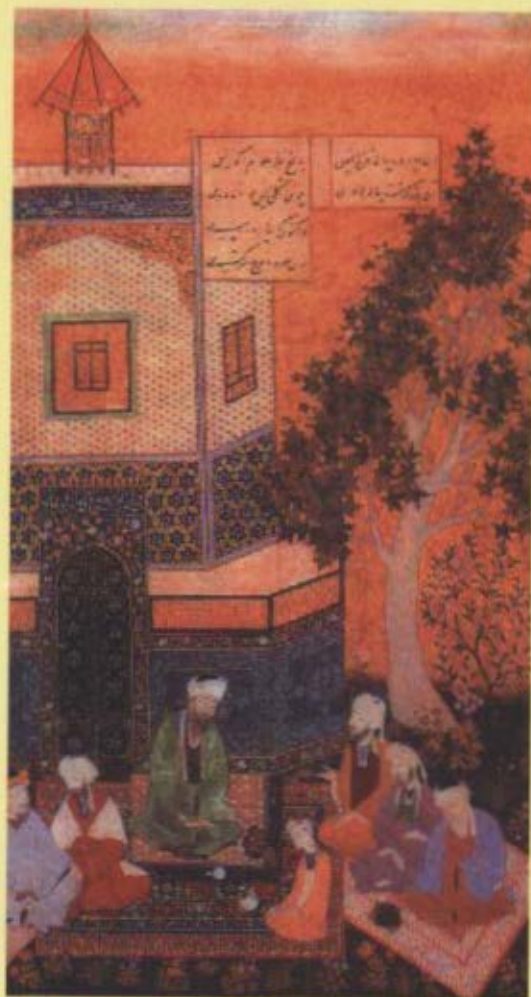


THE MORAL WORLD OF

*The,*  
*Qur'an*



M.A.Draz

I.B. TAURIS

# THE MORAL WORLD OF THE QUR'AN



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*Qur'an*

M. A. DRAZ

*Translated by*

DANIELLE ROBINSON

AND REBECCA MASTERTON

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## FOREWORD

We have great pleasure in introducing *The Moral World of the Qur'an*, a work which has been described by both European and Arab scholars as being a milestone in modern Islamic studies, to readers of English. Available to French readers under its original title *La morale du Koran* since its publication in 1951, it was translated into Arabic in 1972 whereupon it immediately gained great acclaim amongst Arab academics. This work, written by an outstanding Muslim scholar who demonstrates a profound knowledge of the Qur'an and Muslim scholarship combined with an impressive familiarity with French and English works on the subject, is not only essential reading for scholars of the Qur'an, Islam and comparative religions, but is also of great interest to the general reader with an interest in Islamic ethics.

The late Professor Muhammad °Abd Allāh Draz was born in Egypt in 1894. He came from a family of distinguished scholars in religious studies, and studied in Cairo at al-Azhar, the most ancient and respected of Islamic Universities. Draz graduated in 1916, and went on to teach Qur'anic studies at al-Azhar for some eight years, commenting on some of the great Islamic scholarly texts, such as the *Muwāfāqāt* of al-Shāṭibī (d. 790/1388), one of the classics of Islamic jurisprudence.

He was then sent on a scholarship to prepare for a doctorate at the Sorbonne. In Paris, he studied philosophy, the history of religions, psychology and ethics, before embarking on the preparation and writing of two dissertations, *Initiation au Koran* (published as part of the *London Qur'an Series* as *Introduction to the Qur'an* in 2000) and this work, the major and monumental *La morale du Koran*. Both were examined in December 1947, and resulted in Draz being awarded a doctorate with the highest distinction. On his return to Egypt, Draz taught at al-Azhar and Cairo Universities, producing many distinguished studies in Arabic. He died at a conference in Pakistan in January 1959.

In preparing this book, Draz employed both his great knowledge of the Qur'an and Islamic sources, and his training in Western scholarship gained at the Sorbonne. *The Moral World of the Qur'an* deals comprehensively with the most fundamental and significant ethical issues in Qur'anic scholarship, rooting its investigation firmly in the Qur'anic text itself, and, as Draz himself says in his introduction, provided what was at the time the first attempt in European scholarship to extract the Qur'an's general ethical principles and formulate its practical rules with the aim of presenting them as a unified ethical system. Prior to the publication of *La morale du Koran*, studies of

Qur'anic ethics in European scholarship were restricted in scope, and often presented a distorted picture. Draz's application of rigorous academic investigation and reasoned treatment, in combination with his knowledge of traditional Islamic and modern Western scholarship resulted in a refreshing and stimulating approach, both in terms of the issues it raises, its seriousness in engaging with its subject matter, and its thorough investigation of the moral world of the Qur'an. This, then, is a book of vital significance to anyone wishing to engage with modern Islamic ethics.

I would like to record the Centre of Islamic Studies' profound gratitude to the Ministry of Religious Endowments and Islamic Affairs in the State of Kuwait, for their generous donation, through which it was made possible to translate and publish this book in English. Thanks are also due to Rebecca Masterton and Danielle Robinson for their work on the translation, Rebecca Masterton for her extensive work in developing the translation and editing the final text, and Helen Blatherwick for helping co-ordinate the project.

Muhammad Abdel Haleem  
June 2008, London

## TRANSLATOR'S NOTE

*The Moral World of the Qur'an* is a formidable intellectual masterpiece, a work of classical Islamic scholarship in a modernist form. With extraordinary incisiveness, M.A. Draz analyses the moral and ethical dimensions of human intention, will and action. Referring closely to verses from the Qur'an, Professor Draz examines issues relating to the nature and requirements of duty within social and sacred contexts. He demonstrates that morality for its own sake has no foundation in ethics. Morality needs a purpose and an aim, which for humankind ultimately is to attain proximity to the Divine.

Draz begins, in Chapter One, by considering the relationship between morality and obligation, and examines both in the light of the thought of two European philosophers, Kant and Rauh. He shows how morality is interwoven with human nature, and how, according to the Qur'an, human nature is delicately balanced between reason and passion. He asks, what is the source of moral obligation? Where does humankind find the perfect legislation? From which philosophy or school of thought should he select his code of life? He outlines the characteristics of moral obligation within Islam, and the rigorous and systematic method by which it is formed.

In Chapter Two, Draz makes a detailed study of responsibility. He differentiates between religious, social and moral responsibility. Here, he discusses the issue of responsibility in relation to the theological debate about free will and predestination. To what extent is one responsible for an action which one is commanded to do? To what extent is one responsible for an action that is spontaneous, which one did not intend commit? Draz also provides practical examples of the way in the Qur'anic conception of responsibility is applied in everyday life, such as the honouring of contracts, and the age at which children become responsible, and to what degree. He compares different schools of thought on this matter, including those of the Mu'tazilites, the Ash'arites, Aristotle, Kant and Descartes.

Following the issue of responsibility, Draz turns in Chapter Three to that of sanction. He gives the definition of sanction and divides it into three types: moral, social and divine. This chapter also considers to which aspect of the human being sanction is applied: the external aspect, meaning the person's physical action, or the internal aspect, meaning the intention formed within the soul? Draz examines the purpose of sanction according to the Qur'an: is it merely to punish, or to purify? How are the penalties, the *hadd* punishments, such as the stoning of adulterers, to be implemented? What is their moral

basis, and why does Islam take these stringent measures? Looking at divine sanction, Draz outlines its effects in three realms of human life in this world: material, civic and intellectual, before going on to look at its effects in the afterlife, and how that realm is envisioned by the Qur'an.

Chapter Four brings us to the subject of intention and inclinations within Qur'anic ethics. Thus, the intention of the moral action is examined, and pertinent questions are raised with regard to the value of an intention and how it is to be judged. Should it be according to the common understanding of morality, or according to the objective stipulations of the law? In what ways does its value alter in relation to the subject's knowledge of the law? What has greater importance, the intention or the action? Draz further considers the significance of intention in the performance of one's duty. Is it enough to be fully aware of our moral obligations when carrying out an action, or should we examine our intention more deeply, and consider our purpose more carefully? This chapter concludes with the categorisation of the different types of intention, from innocent to evil, and discusses how mixed intentions are viewed within Islam, and judged according to Islamic legislation.

Finally, Chapter Five is devoted to the concept of effort. In this chapter, Draz distinguishes between natural and reasoned effort, the latter being made for the sake of the ideal, which is to attain nearness to God. He notes how important effort is in Qur'anic ethics, and how the Qur'an emphasises its necessity in mankind's search for perfection. Draz examines other philosophical concepts of effort, such as that which makes it something to be valued and lauded in itself, regardless of its origin or purpose, and then compares this with the ethical conception found in the Qur'an, in which humankind's strengths and weaknesses are taken into account, and the success of one's effort is related to the presence of divine grace. Draz looks at the difference between spontaneous and physical effort, and within these categories defines two other types: eliminatory and creative. Lastly, he shows how, according to the Qur'an, it is necessary to have balance: one is not forced to do what is beyond one's ability, while at the same time one is encouraged to do one's best.

As a supplement to these chapters, Draz has provided extracts from the Qur'an, showing how particular verses may be practically applied, and enabling the reader to see how the concept of spirituality in Qur'anic ethics is closely linked to what is in our hearts and our actions, even in the humblest aspects of everyday life.

In remaining close to Draz's tone and style, there may be some elements which readers of today may question; for example, he rarely uses the feminine pronoun and speaks of 'Orientalists', instead of 'Islamicists'. It may assumed that, for the sake of consistency, Draz has throughout referred to humankind as '*l'homme*' – 'man', and that, in the 1940s, when he was writing this, specialists on the Muslim world were, indeed, and were even proud to be, 'Orientalists'. Therefore, the reader is asked please to accept these features as

belonging to the norms of Draz's time, and to consider his intention, which is, above all, to convey something of the beauty, logic, fineness and profundity of Islamic ethics, which finds its foundations in the Qur'an.

Most Qur'anic extracts have been translated with reference to M.A.S Abdel Haleem's *The Qur'an*, although with some alterations, in order to remain close to Draz's own contextual modifications.

Lastly, I would like to thank Professor Abdel Haleem for his patience in regard to the completion of this translation, my colleague Dr Helen Blatherwick for her invaluable assistance with the Arabic transliteration, and my husband Sa'eed, for his kindness and support.

London, June 2008

RM





# INTRODUCTION

*A new work must exclusively undertake one of seven matters: to create something unexpected; to complete something unfinished; to clarify something confused; to summarise something verbose; to put in order something disordered; to unify something fragmented; or to rectify something erroneous.<sup>1</sup>*

This wise precept of a scholar of seventeenth century al-Azhar is still of value today and requires every writer to conform to its charter. Our attentive reader will have the opportunity to judge to what extent the work which we present today fulfils these conditions. We have not undertaken this new work on the Qur'an in order to waste our time, inconvenience our readers, or burden our libraries; that would have been the case if our work had had nothing new to say in the Western or Eastern worlds.

## 1 The previous state of the matter

A cursory glance at the treatises on general ethics written by Western scholars is enough to observe that they leave a great void in this field, due to their absolute silence on Qur'anic ethics. In effect, these treatises tell us at considerable length about moral principles such as they have been viewed in Greek paganism, and then in the Jewish and Christian religions, but once these three periods have been covered, they suddenly transport us, with a brisk leap, to modern times in Europe, leaving aside everything that touches upon moral law in Islam.

Yet, as the Qur'anic contribution in these matters is of inestimable value, the history of ethical doctrines can only gain in scope, depth and harmony, and moral problems will only benefit in resolving their difficulties, whether they be new or perennial. Is it not an immense loss that such a doctrine should be omitted in this way and passed over in silence? It is true that if, instead of searching in these treatises of general ethics, we consult the European works which specifically deal with matters to do with Islam, we will find that essays have been produced throughout the nineteenth century which extract the Qur'an's moral precepts, but the framework of these essays is often very

restricted and the content far from accurately reflecting the true Qur'anic doctrine.

With regard to the framework, not only has the theoretical aspect of the issue been omitted, but also no European scholar has ever tried to extract the Qur'an's general ethical principles. Moreover, not one of them has taken the care to formulate its practical rules and present them as a complete law. All their effort resides in the fact that they have grouped together and made literal translations of a certain number of Qur'anic verses related to worship and behaviour.

It is Garcin de Tassy who seems to have started this series of thematic extracts from the Qur'an, with a monograph entitled, *Le Koran: doctrines et devoirs* (Paris, 1840). This was followed by Lefèvre, who in 1850 published extracts selected from Savary's translation, under the title, *Mahomet, lois morales, civiles, et religieuses*, then by Barthélemy Saint-Hilaire in *Mahomet et le Koran* (Paris, Didier, 1865).

As for faulty content, that is due either to an incorrect translation, or to a bad précis, or both of these factors together. This occurs above all with Jules La Beaume in his *Koran analysé* (Paris, Maisonneuve, 1878), which is, moreover, the least incomplete analytical work.<sup>2</sup>

It therefore seems to us indispensable to take up the subject in order to rectify these errors, to fill the gap in the European library and thus show Western scholars the true face of Qur'anic ethics. This has actually been our essential concern in this work.

When, however, we start looking at what our own Islamic library has to offer, we can only find two kinds of moral teaching: either it is practical advice meant to train young people by inspiring them with the love of virtue;<sup>3</sup> or it is a description of the nature of the soul and its faculties, followed by a definition and division of virtue which mostly imitate the Platonic or Peripatetic models.<sup>4</sup> Nor is it rare to see both methods succeeding one another in the same text.<sup>5</sup> Thus, in every case they are purely human works, where the authors only intended to put down in writing the fruits of their meditations and philosophical studies, and in which the Qur'anic text itself is either missing or only present in a secondary position.

The Muslims have not taken Qur'anic ethics as the main object of study and codification any more than have the Orientalists, whether from the theoretical, or from the practical point of view. In order that these two points be understood more precisely, and to ensure that they are free of all equivocation, we must add some further details for clarification.

Firstly, in the speculative realm, we do not expect our research to take us into territory that has never been explored before. Muslim scholars have from early on exercised their talent on this subject: theologians and specialists of the principles of jurisprudence, according to the criterion of good and evil (or in their own terminology, of the beautiful and the ugly); jurists, concerning the conditions for responsibility; moralists and mystics, concerning the value

of effort and the purity of intention. However, apart from the fact that these notions have continued to be disseminated throughout various disciplines which do not always strictly concern themselves with a specifically moral point of view, the theory of ethics thus put forward has depended, if not on the scholars' personal views, then at least on their School's position on these matters; they have quoted the Qur'an, but only in a complementary manner, as an illustration of any conception they have already held.

In the practical realm, it is true, we know that al-Ghazālī, in his work *Jawāhir al-Qur'ān*, tried to analyse the content of the Qur'an and to bring it together under two headings, one relating to knowledge, the other to behaviour. He arranged 763 verses under the first and 741 under the second.<sup>6</sup> Unfortunately, although such an inventory constituted a first step in preparing the building materials, it was not followed by the elaboration needed to erect the actual edifice.

We must acknowledge, nevertheless, that materials were selected according to a rule and that the verses he selected in his practical section often coincide with the object of our own study. This contrasts with the collection of excerpts made by Qādī Abū Bakr al-Jassās, a Ḥanafite, who died in 370 AH, in his *Aḥkām al-Qur'ān* (Istanbul 1338 AH), or by Qādī Abū Bakr ibn al-ʿArabī, a Mālikite, who died in 542 AH, in his book of the same title (Cairo, 1331 AH), or by Mullah Aḥmad Jiyūn from India, a Ḥanafite, who died in 1130 AH, in his *Tafsīrāt Aḥmadiyya fī bayān al-āyāt al-sharʿiyya* (Bombay 1327 AH). Not only are Qur'anic passages that deal with ethics inextricably obscured by the mass of texts relating to legal, principological, theological and cosmological subjects, among others, but we also find that both qādīs quote verses concerning questions which have only the most tenuous link with them, or sometimes even simply because such a verse gave rise to the question.

The way in which they have all, including al-Ghazālī, grouped the passages according to the order of the *sūras*, makes their extracts appear as collections of subjects that are unrelated and without structure. They start by breaking up the primitive unity of each *sūra*, but are unable to replace it with any logical unity between the chosen excerpts, and with the required methodical classification, which academic rigour demands.

This logical order can be found with some Shīʿite scholars, such as Aḥmad ibn Muḥammad al-Ardabīlī, who died in 993 AH, in his *Durrat al-bayān fī āyāt al-aḥkām* and Aḥmad ibn Ismāʿīl al-Jazāʾirī al-Najafī, who died in 1150 AH, in his *Qalāʾid al-Durar*.<sup>7</sup> Their two books can be considered as valid repertories for passages from the Qur'an dealing with Islamic law, but they only occasionally deal with moral principles.

Thus, to our knowledge, no one has up to now undertaken to expound the ethical law of the Qur'an as a whole; nor have its principles and rules been presented as a coherent structure, independently of its links with related disciplines. This is, therefore, what we intend to accomplish, as far as we shall be able to.

## 2 Division and method

We agree with the commonly accepted division of moral law into two branches: theory and practice. Our study of the Qur'anic text has shown us not only that these two branches of ethical science are present in the Qur'an, but that its own formulation reaches a degree of perfection which leaves nothing to be desired.

### *The practical aspect*

In a recently published work, we dealt with the practical ethics of the Qur'an and its relationship with ancient wisdom, and we noted three characteristics which are summarised below.

Firstly, with regard to the preservation and continuation of tradition, the Qur'an subsumes within one text the substance of moral law which had so far been dispersed and scattered throughout time and space in the teachings of saints and sages, and distant founders and reformers, some of whom had even disappeared without leaving any trace. Although this may be the most obvious characteristic feature of the Qur'an, it is not its most precious or original one.

Its originality stands out in the way in which it presents and gathers the various teachings from Antiquity in order to transform diversity into an indivisible unity and divergence into perfect harmony. The Qur'an starts by removing from previous laws what appears to be mediocre or excessive and brings the fulcrum of their oscillating scales back to the middle; then it gathers all the laws and breathes into them a single spirit, pushing them in one single direction, with the result that authorship of the whole can now be attributed to the Qur'an.

Even more admirable and absolutely original is its own creative aspect. It is not enough to state that Qur'anic ethics conserved and consolidated the legacy of the ancients, or that it conciliated the various views which had divided their successors. What it did was to extend and embellish this sacred edifice by adding completely new and highly progressive chapters which have led to the perfection of ethics.<sup>8</sup>

In the present work we shall consider the practical precepts of the Qur'an in themselves and in their definitive stage. Just glancing through the extracts we give at the end will suffice to realise the plenitude and the beauty of the Qur'anic institution.

Our method of exposition is rather different from the one adopted by our predecessors. In the first place, we did not think it necessary to deal exhaustively with passages related to action, preferring to use only some which were representative enough to establish the various rules of behaviour. Next, as far as possible, we have aimed at avoiding repetitions. Then, instead of following the order of the *sūras*, like al-Ghazālī, or an alphabetic order of concepts, like La Beaume, we have opted for the logical order. Passages are grouped into chapters according to the type of relationship that the rule means to organise; within each category we have distinguished several smaller

groups of passages which have been subtitled in such a way as to indicate the particular teaching given. This aims to give readers easier access to whatever precept they are looking for.

All the passages thus organised constitute a complete programme for practical life according to the Qur'an: how man is to behave within the family, with other fellow human beings, the principles to be observed between ruler and the people, between states or communities, how to worship God. Everything is there, clearly defined.

This completeness is also complemented by another characteristic which enhances it further. After stating which behaviour is to be followed in each area of life, the Qur'an then describes the framework thus defined in the shape of concentric circles, which can each expand or retract in harmony with the whole so that they can interpenetrate one another without encroaching upon each other.

How was the Qur'an able to produce such a prodigious effect? The process itself is rather simple. It chose a particular *stamp* to enunciate the formulation of its rules, being half-way between the *abstract*, vague and indistinct, and the *concrete*, which is too formalistic. The framework it builds is thus both fixed and flexible. Because of its clarity, the tenor of each rule erects a kind of barrier against disorder and anarchical fancy; but through its indetermination, it allows individuals to choose the form by which they must adapt their ideal to the conditions of existence and conciliate their present duty with all other requirements of morality. Adaptation and conciliation have to take place through wise effort, and are equally removed from laxness and unbridled passion. This is how Qur'anic legislation managed to attain a threefold perfection, which is difficult to find elsewhere: softness within firmness, progress within stability, and nuance within unity. In this way, it has permitted the human soul the guarantee of a threefold happiness, which is also antinomic: submission in freedom, ease in war and initiative within continuity. This deep wisdom has not always been understood properly and has sometimes led to Islam being accused of not having defined, for example, the way in which people were to be consulted about the common interest, what form a Muslim state should take and how to elect its leader: suffrage that is universal, or just reserved for the elite? Republic or monarchy? And so on.

This excessive pursuit of legal precision can be seen with those who devise the law, or those who submit to it. In the first instance, this stems from the law-makers fearing that subjects cannot be trusted to uphold the law; it therefore tends to suppress all initiative, to make daily life monotonous and unbearable, and to turn members of that society into examples of the same mechanical model. It is not, however, uncommon to find among people of action some who would rather have the law-givers define and codify everything. Even if that were feasible, how would one explain such an excessive need, except that it arises from the search for the

least intellectual and moral effort, not to say from a pure and simple abdication of personality.

The Qur'an is not weighed down by this tendency to quantify every rule, nor does it go the other way completely. Was this wise balance, this intermediary position which always holds itself at a distance from both extremes, taken fortuitously, arbitrarily, or does it comprise a finality? In order to be convinced that the Qur'an aspires to this impeccable legislative wisdom, in its silence as well as in its explanations, we should remember the following fact:

In one of his speeches, the Prophet said: 'O people, God has prescribed for you the pilgrimage, therefore perform it.' One man stood up and asked: 'Are we to do it every year?' First the Prophet abstained from replying, but the questioner persisted. So the Prophet answered in a slightly reproachful tone:

If I were to say 'yes', this would mean that it was prescribed; if you were obliged to perform it yearly, you could hardly comply with that; leave me in peace as I leave you;<sup>9</sup> it is because of their questioning and debating around their prophets that your predecessors perished. So when I forbid you something, avoid it; if I command you something, you only have to put it into practice as much as you are able.<sup>10</sup>

In an even more explicit saying reported by Ibn Jarīr, the Prophet declared: 'God established limits which you must not exceed, prescribed duties which you must not neglect and instituted precautions which you must never violate; but He has also omitted things, not out of forgetfulness, but out of compassion for you; in such cases, do not inquire too much.'<sup>11</sup> Ibn Hibbān tells us that it was in such circumstances that the following Qur'anic passage was revealed, which says:

*O you who believe, do not ask about matters which, if made known to you, might make things difficult for you – if you ask about them while the Qur'an is being revealed, they will be made known to you – Allāh has kept silent about them: Allāh is most forgiving and forbearing. Before you, some people asked about things, then proved unfaithful in their regard.* 5:101–2

This elimination from the Qur'anic rules of too much 'how' and 'how much' is thus a measure expressly taken in order to permit people to use their intellectual, physical and moral faculties in various ways. This concludes this practical ethics and the general traits which characterise it. We now pass to theoretical ethics.

### *The theoretical aspect*

Here too our method is unusual. Firstly, it is the theological or legal aspect which interests our scholars the most. From the outset, we place ourselves on

ethical terrain and address each question in terms used by modern moralists. Moreover, it is the Qur'an itself that we take as the point of departure and we take great care to extract the answer from it by referring directly to the text. And therein lies precisely the difficulty, because passages dealing with moral theory are not as numerous or clear as those dealing with practical precepts. So let us begin by asking a question:

Is the Qur'an a speculative book, or can we ask from it what we ask from philosophical works? Philosophy in the usual sense of the word is the work of discursive thought, supported by natural, solitary intellects, where a certain method is used to progress from one judgement to the next, in order to establish a system that is able to explain things in general or a certain order of things. However, it is evident that such intellectual effort and progressive method do not accord with the light of revelation, which without any quest or expectation floods the soul and instantaneously provides it with a taste of knowledge wherein premises do not precede the conclusion, nor does the antecedent precede the consequent.

The Qur'an is therefore not a philosophical work, in the sense that it is not the product of a philosophy and does not use the processes of philosophical learning. Neither does it follow the didactic processes of philosophers. In place of their rational method of exposition (definition, division, argumentation, objections and answers), which offers undeniable cohesion, but affects only one part of the soul, its intellectual part, the Qur'an substitutes its own. Addressing itself to the entire soul, it gives it complete nourishment, where both reason and the heart play an equal part.

Thus Qur'anic and philosophical teaching differ as much in regard to their sources as in regard to their methods. Can the same be said of their object and aim?

To admit that would be to proclaim, consciously or unconsciously, that the Qur'an is not a religious book. Yet, whatever their differences might be, one taking its source from the struggle of reason, the other from the full light of revelation, or whether both allow themselves to be guided by the mirage of imagination;<sup>12</sup> whether one consists in pure and simple knowledge, the other in a profound conviction, exhorting and entreating, philosophy in its most elevated form and religion in all its various forms always have the same twofold common object: to resolve the problem of existence, its origin and destiny, and to define the wisest and most proper way of obtaining happiness.

However, what demonstrates better the affinity of Qur'anic content with that of philosophy is that in expounding its doctrine on truth and virtue, the Qur'an not only calls upon common sense, constantly inviting reflection and meditation, but it undertakes itself to prove and justify what it advances. Furthermore, the nature of its arguments and the manner in which it proves its points are chosen in such a way that they convince the most subtle philosophers, the most rigorous logicians, while at the same time satisfying the most practical demands, the most refined poetic tastes and the most



ordinary intuitions. Therefore it is not enough to say that the Qur'an does not condemn true philosophy, the daughter of mature reflection and lover of certainty. It is not even enough to state that the Qur'an authorises and encourages it and that it is ready for its impartial examination. We must add that the Qur'an itself supplies it with abundant content in topics and arguments.

It is true that the Qur'an does not set out these fundamental truths in the form of a unified system, but with the lack of such a system, does there not exist in this Book all the necessary and sufficient elements to construct one?

The Qur'an does contain all the fundamental elements of religious philosophy: the origin and destiny of man and the world, the principles of the cause and the end, the notions of the soul and of God – that seems to us beyond any doubt – and the development of such a subject would merit an independent work.

However, because this Book also speaks about the foundations of ethical theory, this is the first question which we are asking ourselves in this present study, and to which we have devoted the greater part of our effort. And we believe we are in a position to disclose that, at this moment, we have found a clear and fully affirmative answer to that question.

The Qur'an not only gives us the most far-reaching and detailed rule of behaviour ever offered by any practical teaching: but supporting this tremendous edifice, we discover the most solid foundations of theoretical knowledge. For example, you ask of it the following question: On which foundation rests the Qur'anic law of duty, from which source does it take its authority? It will reply to you that the distinction between good and evil, before being a divine law, is an inner revelation, inscribed in the human soul; that in the last analysis, virtue takes its influence from its own nature and its intrinsic value; and that therefore Reason and Revelation are but two lights revealing the same object, a dual translation of the one single original reality, rooted at the heart of things.

Then ask it about the characteristics of this law and the extent of its power. It will say to you that it is a universal and eternal law, which assures humanity of its legitimate aspirations, but which is categorically opposed to its capricious and arbitrary desires.

Ask it, furthermore, about human responsibility, its conditions and limits; about the best way to acquire virtue; about the superior principle which must determine the will to act, or about any general principle of which any moralist who knows his field cannot pass over without having some idea. You will find there a precise, definite formula to each question, which imposes itself like a unique response, suitable for winning over the most inquiring and well-balanced consciences.

What amazes us even more is to see with what a dramatic contrast the answers to these questions present themselves in the Qur'an and in other sources. Whereas under the instantaneous light of the Qur'an these fundamental truths are definitively in place today as they have been for the

past fourteen centuries, the more laborious thought which searches for them beyond this light still continues to struggle, occasionally discovering only fragments, and not without frequently falling into the worst errors.

### 3 A comparative study

We must confess that the initial intention of this work was a much more restricted study, only envisaging an exposition of moral law such as it can be found in the Qur'an, and in the teaching of the Prophet, who was its first acknowledged commentator. However, Mr Massignon, a professor at the Collège de France and of Higher Education in Paris, expressed his desire to see this study also containing certain doctrines of the famous Islamic Schools; and, to this effect, he was even good enough to lend us the rare and precious works of his library, in print and manuscript form. Besides him, Mr René Le Senne, Professor at the Faculty of Arts at the University of Paris, suggested the idea of contrasting the Qur'anic ethical doctrine with some Western doctrines. We willingly complied with their opportune suggestions. Thanks to this, our work has appeared today in a more ample form than it would otherwise have been. It is a kind of union, where the ethical thought of the East meets that of the West, in an intelligent and impartial comparison, devoid of any preconception or scholastic tone, with common sense as a unique arbitrator in any controversy and clarified by well established documents.

Will this meeting of different cultures serve as a prelude, at a practical level, to a greater understanding and an enhanced humanism, in which people of good will on both sides will extend their hands for the greater good of humanity?

We hope so.

Paris, 8 June 1947



# THE ETHICAL THEORY THAT EMERGES FROM THE QU'RAN

AND A COMPARISON WITH OTHER  
THEORIES, ANCIENT AND MODERN



# 1

## OBLIGATION

Any moral doctrine worthy of the name is essentially based on the idea of obligation. This is its most fundamental basis, the pivot, the nucleus around which the whole ethical system revolves, whose absence would destroy the very essence and substance of practical wisdom. For, without obligation, there is no responsibility and without responsibility, there can be no return of justice, whence chaos, disorder and anarchy, not just *de facto*, but *de jure*, according to the so-called moral principle itself.

One can see in which way certain modern theoreticians would like to lead us.<sup>1</sup> How can one possibly conceive of a *moral rule* without an *obligation*? Is this not a contradiction in terms? Or are we to make the conscience a mere tool of artistic appreciation? Is it not evident that *ethics* and *aesthetics* are two distinct entities? In a most profound sense, it is true, anything which is *good* is *beautiful*. Is the opposite equally true? Certainly, the idea of virtue has its own intrinsic beauty which the soul can taste even though it may not be pleasing to the eye. But it is something more; by its very nature, it *acts* and *motivates*, it makes us want to act in order to make it a concrete reality. On the other hand, reduced to its most simple expression, the notion of *beauty* has nothing to do with *action*, especially when its object does not depend on our will. Thus our admiration for divine omnipotence, or for the majesty of the celestial vault, does not induce us to create copies of them. Even when an artist conceives an idea for a great project that he can execute, this idea does not absolutely *force* him to carry it out, it gently *invites* him to execute it when he wants to and when he is at leisure to do so. Or even if it imposes itself upon some, it does not impose itself upon others with equal compulsion. In any case, far from going against feelings, it expresses them. Furthermore, although a fault within a work of art may well shock the senses, it will not offend the *conscience*. It is not something immoral.

On the contrary, moral good is characterised by this *imperative authority over everyone*, by this necessity that compels everyone to carry out the same order, whatever might be the state of their actual feelings; a necessity which makes disobedience seem odious and abominable. We shall see later<sup>2</sup> in which form the Qur'an presents this necessity, which it calls *'amr*: imperative, *kitāba*: prescription and *farīḍa*: duty. Now that we have stated the principle of

obligation and nominally defined it, we must delve deeper into the knowledge of its nature, by examining its *sources*, its *characteristics* and its *antinomies*.

### 1 The sources of moral obligation

In his in-depth analysis of moral obligation, the French philosopher Henri Bergson was able to discover two sources: one, the force of social pressure; the other, the force of human, or rather, divine, attraction.

He explains that to play the role that is assigned to us by society, to follow the route that it has traced for us and to which we abandon ourselves daily through a kind of habit upon which we scarcely reflect, which imitates the instinct of a bee or an ant, is what one ordinarily calls 'carrying out one's duty'. Were we to resist it for an instant and be tempted to modify the prescribed route, we would somehow be led back to it because of the overbearing pressure of collective life. It is altogether different in its second aspect. Although the morality of the crowd is the effect of a collective constraint, that of the privileged is an aspiration towards the ideal. It is a rapture of creative love, which tends not only to orient the conduct of the individual towards a higher direction, but also to bring society along with him and lead it, rather than be led by it.<sup>3</sup>

As a *description* and analysis of a given phenomenon of experience, one can say that the Bergsonian exposition has not omitted much that is essential; as a *theory* of moral obligation, however, this analysis presents certain difficulties and differs in some respects from the Qur'anic point of view.

Already, with respect to the description, one could ask – since it concerns the designation of all the forces that act upon the will – why it is that a *third factor* is not indicated, one more ancient and more deeply rooted in human nature, namely the *individual* or *living* element? For what really matters to every fellow citizen is not just to conform to what society dictates and to behave like a cell within an organism, but also, and above all, to seek his own preservation, independently, even at the expense of the group to which he belongs. This we turn to below.

What is of greater concern in this analysis is that the two terms *moral* and *obligation* seem to us to contradict each other, for, from the moment that an obligation becomes a semi-instinctive constraint, it loses its *moral* qualification; conversely, spontaneous love is the very opposite of *obligation*. Strictly speaking, true morality is not found here at all, neither in one case nor the other. Man is always presented to us as the toy of conflicting forces: sometimes *pushed* by instinct, sometimes *carried away* by emotion, never an *independent personality* capable of comparing, appreciating and choosing. Now, in order to establish morality, it is not enough for the ideal to present itself to us as the objective of an *exalted* aspiration, nor for the social imperative to appear as a tyrannical tax. Both must undergo a genuine process in the conscience from which they emerge newly fashioned, based on justice, corroborated and prescribed by *reason*. As long as the ideal is not invested with

this imperative and reasonable disposition, and even when it does not act to pursue a mirage or a fleeting dream, it will remain determined by a certain idea of beauty. This feeling, however noble it may be, is not a moral principle.

It is the same with any unjustified submission that proceeds from a kind of collective intimidation. This is why we see the Qur'an constantly protesting against these two enemies of morality: the pursuit of impetuous desire<sup>4</sup> and blind conformity.<sup>5</sup> Do not those who wish to continue a tradition without any understanding do so *even though their fathers used to walk in ignorance and error?*<sup>6</sup> Thus, essential elements that have been omitted from Bergson's analysis have left an immense lacuna: a rational element, a properly moral element in the agent and another in the commandment: intelligence, freedom and legitimacy. He has greatly underestimated the representative role of the intellectual faculty, 'the last in line'; he has greatly insisted upon the little effectiveness it offers in the war against passion, but even so, *the very essence of morality resides in the reflective activity of the soul.*

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In spite of certain errors in the way that he presented his theory, Kant was more correct in claiming to have discovered the source of moral obligation in the highest faculty of the human soul, independent of both inclination and the outside world; he writes:

Duty, a sublime and great word ... what origin is worthy of thee and where is the root of thy noble stem to be found ... ? It can be nothing less than that which elevates man above himself ... that which links him to an order of things that the understanding alone can conceive.<sup>7</sup>

Belonging both to the intelligible and the sensible worlds, man therefore has a dual nature wherein the nobler (reason) commands the lesser (unfounded self-love). The voice of reason is so clear, 'so insistent, so perceptible for even the grossest of men ... the boundaries between morality and self-love are so clearly and exactly delimited that even the most ordinary perception cannot fail to know whether something belongs to the one or the other.'<sup>8</sup> Thus reduced to its most simple expression, free of any formalist or transcendentalist subtlety and purified as well of a radical pessimism and certain coldness, the Kantian doctrine is not only incontestable, but we believe that it can also be regarded as similar to the Qur'anic doctrine.

This book teaches us that the human soul has received the knowledge of good and evil in its primal structure.<sup>9</sup> As well as the faculties of language and the external senses, man is endowed with moral awareness;<sup>10</sup> he already knows the two paths of virtue and vice.<sup>11</sup> It is true that *the soul commands to evil*,<sup>12</sup> but man is also capable of mastering his inclinations; and for he who *controls his faculties and restrains his desires, Paradise will be his home*.<sup>13</sup> Even if not everyone



exercises such influence upon himself there are nevertheless those who do so with God's help. 'Whenever God wants good for someone', so the Prophet has told us, 'he raises within that person's inner heart a counsellor who exhorts him to act or to abstain.'<sup>14</sup> There is therefore an internal force within man, which can not only advise him and clarify his choice, but which, properly speaking, can also *command* him to act or not to act. What is this inner authority that claims the right to give orders to our lower faculties, if it is not the enlightened part of our soul, which is *reason*. Furthermore, the Qur'an says so in its own words, when it articulates the following alternative concerning the unbelievers:

*Do they follow the command of their reason, or is it that they are an unjust people?* 72:32

This verse states the third principle which has been excluded from ethics. There is no other justified rule of conduct other than the commandment of reason. It is therefore the sole legitimate authority.

Within these conditions we can agree with Kant that we are both *legislators* and *subjects*. The moral experience of remorse only serves to confirm this duality. Whenever we neglect our duty, we feel we are lowering ourselves to a position which does not belong to us; we tacitly avow that we are a noble, albeit fallen, creature. The Qur'an continually re-awakens and re-instills within us the sense of our original *dignity*. Not only has God honoured men, extended their dominion over land and seas and *favoured them greatly over many We have created*;<sup>15</sup> not only has He ordered the angels to prostrate themselves before the father of mankind,<sup>16</sup> a title of honour of which the Qur'an frequently reminds us,<sup>17</sup> but even if we choose to leave aside these external signs of human dignity, and consider them from the point of view of their moral value, it does not seem to us that the Qur'an considers human nature to be intrinsically bad or irremediably corrupt. On the contrary, man was created *in the finest mould*.<sup>18</sup> It is only those who do not believe and do not practise good works that have a fretful, unstable nature<sup>19</sup> and that *fall lower than the lowest of creatures*;<sup>20</sup> it is only those who *have a heart and do not think, eyes and do not see, ears and do not hear* that make themselves *brute beasts or worse still*.<sup>21</sup> It is thus a matter of free temporal choice, not transcendental. Everything resides in the good or bad use that one makes of one's superior faculties. Cultivating these faculties *ennobles* the soul; forsaking them *darkens* it.<sup>22</sup>

The Qur'an does not confine itself to the intellectual faculties alone: it takes greater care to awaken our noblest and most legitimate feelings, but it prompts them into action only under the control of reason. It is always to us that it addresses itself; that is to say, the luminous part of our soul, our faculty of understanding, which weighs the pros and the cons in everything and assesses different values.

Among the higher feelings that the Qur'an brings to life within us we may

give as an example<sup>23</sup> one which is found upholding all our social duties, taking the term 'society' in its broadest sense: the sense of human fraternity.<sup>24</sup> In order to present us with a tangible form of the horror that should prevent us from slandering an absent person, the Qur'an compares the slanderer to someone who *would like to eat his brother's dead flesh*, adding *no, you would hate it, every one of you*.<sup>25</sup>

However, since it addresses our faculty of understanding, are we not to conclude that, in the absence of any positive teaching, man already possesses all the necessary means, both intellectual and affective, to discern what he is to do or to avoid? And so, is it not our concern to legislate on what is good and evil for ourselves?

It is necessary to clarify the meaning and import of such an assertion. Are we to limit ourselves to the human point of view, and privilege individual conscience, or to place ourselves in the position of the thing in itself?

As long as the notions of good and evil are rationally defined as 'quality or defect', 'in conformity with or contrary to nature', 'worthy of approval or blame', Muslim theologians do not have any difficulty in accepting man's legislative competence in this matter. But is that which we judge to be good or evil according to the light of our intelligence necessarily so in itself? In other words, is it equivalent to the light of divine reason? If so, are we already under obligation to God even before receiving His commandments through His messengers? It is this very point that the theologians continue to debate. The answers that they give us vary, ranging from the rationalists (Mu<sup>o</sup>tazilites and Sh<sup>o</sup>ites), who affirm that it is universally true, to the Ash<sup>o</sup>arites who deny it categorically, to the M<sup>o</sup>tur<sup>o</sup>idites, who accept it only for simple duties.

But who cannot see that our rationalists have gone too far in their belief in the infallibility of human reason? For is there not at least one domain which is impenetrable to our intelligence? It is the way in which man must worship his Creator. If each and every one of us is left free to organise his own worship, either he will remain perplexed and do nothing, or he will resort to all kinds of imaginary and arbitrary ways. Even in other areas, we must recognise that this natural light, enveloped by inclination and confused by habits, must undergo a kind of refraction and follow a multitude of paths, according to times, places and temperaments. And so it is that *beyond certain essential duties, acknowledged by every normal conscience, moral certainty must gradually give way to conjectures, uncertainties and aberrations*.

For instance, what is our duty towards our sensible nature? Are we to grant our desires nothing, to impose upon ourselves sufferings and mortifications, following this way, as in Buddhism, to Nirvana and nothingness? Or is it sufficient to profess, like the Stoics, an indifference towards all the good and the evil things of this world, whilst preferring some to others? Or are we to profit from all the enjoyments of life, whether with prudence and discernment, as the Utilitarians teach, or without rule or method, like Aristippus and the poets of every age? And yet these are all intelligent beings

who profess to have investigated human nature and to have brought us all the most unique way of living in conformity with it.

In our relations with our fellow human beings things are not much better, and we can expect a similar discrepancy of opinion. Thus – to mention only examples that are already controversial – is a person who has suffered a crime to seek revenge, or to forgive, or does he have the choice? Are we to treat our sisters with reserve and severity, or show them brotherly love? Should we help someone to be virtuous or leave him to his own ways? And if we want to consider the details of everyday life, such as selling, taking interest, wine, marriage, incest, and so on, the variation of opinions will be even greater. Reasons will always be opposed by reasons and feelings by feelings.

Kant indeed saw the perils that strike the morality of the individual conscience. Beyond a certain point, it is impossible to establish, in effect, a law which can necessarily be applied to every conscience. Why should I sacrifice my opinion to yours? It is therefore indispensable to be able to resort to a higher authority which can decide the matter; and it is certainly not in *society* that one can find this authority, since this concerns *morality*, not *legality*. We can see the perfectly fair reason for which Kant wished to demand this legislation from a higher authority, reuniting the dual *moral* and *universal* characteristics. He thought he had found it in reason itself, in its purest and most abstract form, which rules everything through the law of *non-contradiction*. Unfortunately we shall have occasion to record the failure of such a criterion.<sup>26</sup> Kant himself was aware of the powerlessness of his critique to determine what human duties are specifically, the division of which belongs to a scientific system and not to a critique of reason in general, which involves no reference to human nature.<sup>27</sup> But what men need precisely is a rule that they can apply to their nature. In easy cases, anyone can find such a rule already written in some way in their conscience: no one needs a formal, abstract entity. But when the need for it arises, this empty idea tells us nothing precise.

We are therefore forced to look elsewhere. Where are we to find such a splendid light to illumine our conscience when everywhere it finds nothing but darkness? Where are we to find this anchor of salvation to which we can attach our souls, which are tossed about by doubt? To these questions there is only one answer. Nobody knows more competently and wisely the essence of the soul, or the law of its development and perfection than the author of its being.<sup>28</sup> It is from the infinite light that I must take my fragment of light. It is necessary to turn to the absolute, infallible moral conscience to guide one's own conscience.

*It may be that you hate something when it is good for you and it may be that you love something when it is bad for you. Allāh knows and you do not know.* 2:216

Instead of 'transcendental reason', one must say 'transcendent reason';

instead of a conceptual abstraction, one must have recourse to this concrete, living and omniscient reality, which is divine reason. Only revealed light can assist immanent light; only positive divine law can continue and complete natural moral law. In the Qur'an, reason and tradition go hand-in-hand.<sup>29</sup> In the heart of the believer there is a double illumination, whereas the unbeliever has only one.<sup>30</sup>

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Does this mean that we must distinguish two different sources of moral obligation? Not at all. Rather, we say two layers of the same source, the least pure of which is the nearest to the masses. For, on the one hand, this complementary light is not accessible to us, has no hold on us, nor any moral sense, except through our individual conscience and on condition that it is recognised. It is from this source that we receive the immediate command, whatever the circumstances. It is our human reason which tells us to deliver ourselves to divine reason. This is why al-Ghazālī said that it would be meaningless to talk of an obligation coming to us from outside of ourselves, for it would be absurd for us to concern ourselves with something which is of no value to us, even if we were coerced.<sup>31</sup> On the other hand, when, left to my natural light, I question myself before taking action in order to know what my duty is in a relatively clear case, the indication given by my conscience only has the worth of a moral value in my eyes inasmuch as I believe it to show me, not a truth that is relative to my feelings, but moral truth itself. All my efforts of deliberation have the aim of deciphering this truth, which I believe to be imprinted at the deepest level, indeed in the very essence, of any reasonable being. Now when we are told that we are our own legislators as members of the intelligible world, we must agree upon the autonomy that is attributed to reason. What does the phrase 'reason is its own legislator' mean? Does reason create the law or does it have it already complete, forming a part of its structure which it can impose upon the will? For if reason were the author of the law, it would be absolute master, able to maintain or abolish it as it pleased. If it is not able to do that, it is because the law is pre-established, engraved by the craftsman who made its nature, like an innate idea which cannot be removed.

Thus, consulting one's reason simply means to read the book of our pure and specifically human nature, such as it was created by God. In fact, when the most hardened of unbelievers refers to the authority of reason, in reality he is only listening to this divine voice which speaks within us all without saying its name, although it says it clearly when it speaks to the believer. However, if both lights, *natural* and *revealed*, spring from the *one single* source, it must be concluded that, in the last analysis, it is always God who indicates our duty to us, although in two different forms: internal or manifested.

This brings us to the subject of moral obligation in Islam, in its form as

positive law. As we move to this new terrain, we must ask ourselves whether there is one, or several sources of Islamic legislation. It is generally assigned four: the *Qur'an*, or 'the Word of God'; the *sunna*, or 'Tradition of the Prophet'; *ijmā'*, or 'unanimous decision of the community'; and finally, *qiyās*, or 'reasoning by analogy'.

Now, if the analysis that we have made is correct – except for some details which will be added to its formulation shortly – there must only be one legislative authority in the proper sense of the word. In many passages, the *Qur'an* confirms this idea. It categorically states:

*Jurisdiction over it belongs to Allāh alone.*

6:57; 12:40

*Jurisdiction belongs to Him alone.*

6:63

He is the judge and there is no reversing His judgement.<sup>32</sup> The *Qur'an* presents the Prophet to us not only as absolutely submitted to the divine law, but as the very first one to submit to it:

*Say: my prayer and my rites, my living and my dying are for Allāh alone, the Lord of all the worlds, who has no partner. This is what I am commanded, and I am the first of the Muslims.*

6:163

What, then, is this fourfold principle?

### 1) *The Qur'an*

Since, for Muslims, the *Qur'an* is the very Word of God, it is entirely qualified, without any question, for expressing the divine will. Should it not then be regarded as the sole source of Islamic legislation? To allow another source of direct and real obligation besides the *Qur'an*: is it not to associate with God other types of wisdom claiming the same inviolable right to command? Do we see of what the authority that is conferred upon other principles actually consists?

### 2) *The sunna*

It is true that everyone agrees that in the practical teachings of the *sunna*, or Tradition of the Prophet,<sup>33</sup> a second and very important source of Islamic legislation can be found, in addition to the *Qur'an*, the Word of God. The *Qur'an* itself seems to encourage the faithful to submit to all the dispensations of the Prophet, even if these were taken on his own initiative.<sup>34</sup>

However, looking at things deeply, the prophetic dispensations only become a definitive obligation in any aspect – moral, legal or religious – on condition that the idea they bear reflects the character of an explicit or implicit revelation. As soon as the *divine* character is lacking, the lesson and example given by the *man* are no longer authoritative. This distinction is already indicated in the *Qur'anic* text:

*O you who believe! Respond to Allāh and to the Messenger when He calls you to what will bring you to life!* 8:24

The Prophet himself is the one who established this distinction in the most clear and imperative way: 'If I command you to do something in my own name, I am but a mortal; but if I bring you something from God, keep it; for I could not lie on God's account.'<sup>35</sup> Not only does he declare that his opinions concerning the technicalities of material life are fallible, as this side of things is clearly outside his mission,<sup>36</sup> but in that which concerns the aim of his divine mission, namely, the moral, legal or ritual order, he can fall into slight errors when he is not supported by the Revelation. Thus we see the Qur'an reproaching him on several occasions for having allowed himself to feel too much sympathy towards the unbelievers, for having too merciful an attitude in their regard, where he should have been more uncompromising.<sup>37</sup> So, in a case of theft which was referred to him, he erred, being deceived in his judgement, after which the Qur'an put him right. If there had not been the assistance of the Revelation, he would have condemned the innocent while absolving the guilty party.<sup>38</sup> Similarly, let us remember the splendid exhortation that the Prophet addressed one day to a certain number of litigants before settling their case: 'I am only a human being. You bring your disagreement before me; but it might be that one of you presents his case better than the other, and that I give a judgement after his plea. If it ever happens that I give the advantage to one of you by granting him something that belongs to his adversary, let him not take it, for my decision would only give him a piece of hell.'<sup>39</sup>

It sometimes happened that, when leading the ritual prayer, he would unduly omit or add some detail. When questioned: 'Has anything happened to the ritual?', he would answer: 'If anything had happened I would have told you; but I am only a man; I forget, just like any of you; when I forget something, please remind me.'<sup>40</sup>

Where he declares himself to be absolutely infallible is, as we have seen, when he gives an order as being a message from God. Once this message has been transmitted to its destination, sufficiently explained, and conserved in the memory of the community, then natural error, which never fails to attract man's attention, however lofty and enlightened his mind, can very well happen to him too, with the difference that he never persists in error. If he does not return by ordinary means, the Revelation will intervene to correct him and put him back on the right road, otherwise, the whole community would be induced into error and follow him down an erroneous path. However:

*Allāh would never misguide a people after guiding them until He had made it clear to them what they should avoid.* 9:115

This means that, in the absence of such a rectification, any of his orders and judgements that are not contested by the Revelation are regarded as implicitly approved and therefore they are rightly received as divine commandments. In the same way, whichever way he behaved is, in principle, also a good example by which Muslims measure their conduct, provided that he himself did not say anything to the contrary. Thus, since all authentic *ḥadīths* which are not abrogated and are part of the Prophet's mission, are actually only another expression of the divine will, they have for Muslims the same moral authority as a text from the Qur'an. If the *ḥadīth* contains more detail and precision than the Qur'anic text, it is this that 'judges' the latter; it explains it, determines its meaning and establishes its mode of application.<sup>41</sup>

### 3) *Ijmā'*

The above, then, explains the sense and the measure in which the prophetic tradition can be said to be a principle of obligation. What are we now to think of the sovereign authority assigned to the other source of legislation, known as *ijmā'*, or the unanimous decision of the community? The authority of *ijmā'* can be traced back to some Qur'anic passages, such as:

*You are the best nation ever to be produced before mankind. You enjoin the right, forbid the wrong and have belief in Allāh.* 3:110

Whether this passage is addressed to the Muslim community in general or, as is more probable, to the first generation who had witnessed the Revelation, is of lesser importance: there will always be somewhere a group of people whose unanimous opinion is sanctioned by the holy Book as being infallible in moral matters, incapable of allowing something evil or of forbidding something good. A similar argument in favour of this prerogative of *ijmā'* can be drawn from another passage, which, having accorded those among the Muslims who possess the commandment of affairs the same right of obedience as that which it accords the orders of God and His Prophet, immediately adds this caution: that in case of controversy, it is necessary to consult the two main authorities.<sup>42</sup> This seems to imply that as long as there is common agreement, there is no need to look for any other criteria in order to judge whether any measure dictated by leaders is just. If we consult the documents which contain this tradition, we can see that this pronouncement is not just restricted to the time of the Companions, as one might have expected from the Qur'anic texts, but extends indefinitely to all generations of Muslims. To quote one text which is acknowledged as authentic and which is very explicit in this regard: 'For always, and until God's will intervenes (to change the order of things), there will remain a group from my community who will never cease solemnly to uphold truth, and will not be harmed by the opposition of its adversaries.'<sup>43</sup> Since the party of truth therefore remains to endure, the idea, in Islam, of a

unanimous agreement in error is thus excluded as being practically impossible in the Muslim world.

People have come to regard *ijmā'*, whatever the era, as the highest, irrevocable authority which can judge even the texts of the Qur'an and the *ḥadīth*, and cannot itself be judged by them, nor destroyed by any other previous or later opinion. Muslims in general have submitted to it without reservation, except for some Khārijites, Mu'tazilites and Shī'ites.

How, then, are we to reconcile this attitude with the absolute submission and the deepest veneration that a Muslim must reserve for God, for His Holy Book and for His Messenger inasmuch as he is God's interpreter and His spokesman? How, especially, can it be compatible with the logic of Islam, which strongly condemns any blind conformity and constantly refers to reason and common sense, even in its most fundamental dogmas? One can understand just to what degree this doctrine outraged a rationalist such as al-Nazzām, who declared: 'True *ijmā'* is the opinion whose legitimacy can be demonstrated, even if it is the opinion of one person.'<sup>44</sup> Common agreement is worth nothing if it is unfounded.

To look at this more closely, we can see that al-Nazzām is neither completely right nor completely wrong. He is right, because he defends a principle highly prized in the Qur'an, but he is wrong in believing himself to have discovered a preliminary condition which everybody else had neglected before him.

Some clarification is therefore necessary in order to define this *ijmā'*, to which any Muslim can appeal as a sure legislative authority, founded upon justice. The term *ijmā'* is normally translated as 'consensus' or 'consensus omnium'. This literal translation is not quite adequate. The agreement is not to be thought of as a unanimous vote coming from a plebiscite imposed upon a whole nation or on all Islamic nations, wherein the most utterly godless and uncultivated minds would vote alongside the most learned. Nor should we represent the voting body as a religious council or a public assembly whose members, elected or nominated, meet under the same roof in order to discuss certain dogmatic, economic or political questions. Neither in its object nor in its form does *ijmā'* resemble any of these Western organisations.

Firstly, from the point of view of its object, the role of *ijmā'* is to legislate on any new problem of a moral, legal or ritual order,<sup>45</sup> technical questions about everyday life, as well as those of theoretical religion being equally excluded from its competence; material life also, because no text guarantees against an error that might occur in a communal decision in that domain. Dogmatic questions are excluded for a very different reason. In effect, if the fallibility of the entire community on a religious subject of a practical order can be considered as a possibility that must be excluded, this must equally be so, and even more so, in that which regards an object of faith. Not everyone even agrees to making reference to *ijmā'* in this domain.<sup>46</sup> If some tolerate it with secondary issues, nobody accepts it when it concerns fundamental, dogmatic



issues. A Muslim does not have the right to have recourse to the authority of others to establish his faith; there would be a vicious circle if religion were to be built upon a base which is only established by the religion itself.

As for the conditions in which the vote must be put into effect to constitute an irrevocable legislative authority, the established rule is very exacting with regard to the basis, but remains absolutely indifferent to the exterior form that the organisation of the voting body can adopt. Whether members are nominated by the state or not, elected by the people or not, whether they may meet in one plenary session or are scattered all over the world, none of it affects the legitimacy of the result, provided that it is obtained according to the regulations. The essential point is that each member, conscious of his intellectual independence and moral responsibility, freely expresses his opinion after careful deliberation of the problem at hand. However, the point that is worth noting is that no one can be considered as a member of this college unless he already possesses the quality of a specialist and is competent in the subject; that is to say, if he meets the required conditions which entitle him to refer directly to the source documents and draw informed conclusions from them. In other words, not only must all the members have at hand the necessary documents to solve any problem that arises, but they must also be experienced in critiquing the texts when they have not already been established by accredited authorities. They must also know the language in depth, in its literal as well as its figurative style, and be able to understand the main ideas as well as those that are secondary, whether they are explicit or implicit. In addition, they must be well-versed in the history of the Islamic legislation under consideration, know the specific circumstances (*asbāb al-nuzūl*) which have determined it and the stages of its evolution (*al-nāsikh wa'l-mansūkh*), if there are any. Finally, it is necessary for them to have penetrated the spirit of the law and the aims it intends to fulfil, through the applications made by the Prophet and his Companions.

It can be seen that far from being an aggregate of arbitrary, spontaneous (I would say unconsidered) opinions arising mechanically from imitation, or animated by a spirit of partiality, *ijmā'* appears to have unity, an identity of unshakeable convictions which truth imposes upon all enlightened souls. We know just how much subjective conditions cause our personal views to differ, to the extent that they diverge too much. However, when it happens that in such conditions the intellectual effort of each person is deployed according to his own way of thinking and free from any foreign interference, reaching the same solution as everyone else, this can only be so because the solution appeared to each conscience with such clarity that it precluded any discussion.

The infallibility of *ijmā'*, under consideration here, cannot actually be attributed to either the thinkers themselves or to any particular text – since its authenticity may be refuted, or its interpretation considered in different ways – but to the reference to the well-established and deeply studied

collection of Qur'anic and prophetic documents on which our thinkers have been able to base their judgement.

#### 4) *Qiyās*

Whereas the Zāhirites, a purely exegetical School, preferred to keep to the three sources mentioned above: *kitāb*, *sunna* and *ijmā'*, the other Schools, authorising themselves on the example of the Companions of the Prophet and the opinion of the majority of their successors, accept a fourth and last source, namely *qiyās*, or reasoning by analogy. Are we to believe that their doctrine tends to accord with that type of autonomous, rational legislation denied to communal decision and to the Prophet himself? Not at all.

Firstly, by its very definition, this reasoning supposes the existence of a *model case*, to which one compares the new case; but the *type-case* must already be mentioned elsewhere: in the Qur'an, the *ḥadīth* or *ijmā'*. Moreover, the shared characteristic in both cases must either *constitute*<sup>47</sup> or *encapsulate*<sup>48</sup> the *why* of the legislation, the *reason* for which the solution of the original case was adopted. However, if this common characteristic was explicitly mentioned in the text, or is unanimously acknowledged as the reason for the original solution, there is no difficulty, even for the Zāhirite School, to make it the index, to see the necessary and sufficient condition of the earlier judgement. There is therefore no difficulty in generalising this statute and applying it whenever the established motivation can be found. However, in the case where this motivation, or causal link, can only be adduced through a subtle effort of reasoning, are we to understand it, with the conclusions that result, as being implied within the spirit of the revealed legislation? We suggest that the answer to this question must have various degrees. The reticence of the Zāhirite School at least constitutes a protection against the abuse of intellectual freedom of some jurists.

The Mālikite School, on the contrary, has gone further in the liberal sense. Referring to the example of the first Muslims, Imām Mālik authorises this inductive reasoning, not only starting from a well-defined text, bringing the same solution to a particular problem which is analogous to the problem under scrutiny, but also starting from general processes to which the law has had recourse in innumerable matters more or less related to the question at hand, which together emerge as one certain idea: that such a type of good is an essential aim which the law seeks to realise by all means possible. The new case only presents us with another means, before being used when it appears in its turn, in order to realise the generic good, which Mālik called *al-maṣlaḥa al-mursala*, or 'indeterminate good'. It is in virtue of this principle that this scholar was able to resolve a certain number of moral and legal problems in a rather original way, even though it clashed somewhat with the letter of the law.<sup>49</sup>

However far you search through the various currents of legal thought in Islam, one truth remains indubitable: It is that the ultimate goal for which all

legislators aim in their various ways is to reach this unique source from which everyone far and wide must draw: the divine decision. This decision the Qur'an records first; the *ḥadīth* then comment upon it and define it. If both texts are silent, *qiyās* attempts to discover it in its deepest spirit and meaning; lastly *ijmā'* intends to take it from all the evidence together. God alone is therefore the legislator; the others are but direct or indirect transmitters of His decree.

\* \* \*

As yet we still have not touched upon the deepest root of moral obligation in the Qur'an. Up to now, we have been able to bring natural moral law back to a kind of divine law, already implied within the very structure of human reason. We have then shown how this partial light is not sufficient to supply us with a law which is concrete, complete and universal, and shown the necessity, in order to obtain this threefold character, of having recourse to an authority which, transcending human beings, can enlighten them enough through a positive teaching which is sufficiently precise. This authority, which must be endowed with absolute consciousness and infinite light, can only be that of the Perfect Being. We have finally reduced all sources of this positive law to one unique source, and all commandments to one commandment, whether explicitly or implicitly expressed: that of God.

However, the Qur'an does not present this divine commandment as absolute power, sufficient in itself to establish the realm of duty for us. On the contrary, it is edifying to see with what care the Book often tries to attach its justification to each resolution of the law, and to each precept the moral value which constitutes the established benefit. When for instance, it invites us to accept any conciliatory move from our neighbour, even if it is not to our advantage, it supports this recommendation with this aphorism:

*reconciliation is better*

4:128

In the same way, when it prescribes for us the duty to fill the measure and to weigh with fair scales, it adds:

*that is better and gives the best result*

17:35

To justify the rule of modesty which asks men to lower their gaze and master their senses, it gives this explanation:

*that is purer for them*

24:30

Having commanded us to examine a case well before judging it, it continues:

*in case you wrong others unwittingly*

49:6

When it commands that debts should be recorded in writing, as well as the date of their repayment, it comments:

*doing that is more just in Allāh's sight, more reliable as testimony, and the best way of avoiding doubt between you*

2:282

Rather than us adding to the examples of particular commandments, it is enough to see how the Qur'an encourages us to strive for spiritual values and quality in general, rather than quantity:

*The bad and the good are not the same, even though the abundance of the bad may tempt you.*

5:100

*the garment of virtue is the best*

7:26

*he who has been given wisdom has been given great good*

2:269

It even allows us to witness the fundamental principle which inspires all of the divine legislation, formulated thus:

*Allāh does not command indecency.*

7:28

*Allāh commands justice and doing good.*

16:90

So, what we assumed to be the last link in the chain of references does not prove to be so. Divine reason does not hold the form of its verdict as the primary principle of moral obligation any more than human reason. It too claims reference to another criterion. It directs us back to the very essence of duty, to the quality of the action, to its intrinsic value. It is in its accord with this objective truth that the commandment justifies itself in our eyes; it is through this that it solicits our adherence, and it is upon this that it establishes its moral command.

Only, we do not see for ourselves the profound character which constitutes the essence of the just and the good *per se*, whenever and wherever it appears. As with any essence, we do not see it directly and in its totality; we only catch a glimpse of it, thanks to this fragment of light, so limited in extent and intensity, which we contain in our nature. There is only one pure and unlimited light that can encompass it adequately and with complete certainty. And it is precisely for this reason that believers have the right to take divine reason as the most perfect moral guide which can direct them to it. It is therefore in the notion of value that the true source of obligation resides. It is the reason of reason, and the ultimate reference of morality.

## 2 The characteristics of moral obligation

Any law (whether it be physical, social, logical or anything else) necessarily and invariably rules all individuals who are subject to it, and the self-same individual in various circumstances, otherwise, that law would not be a law, which is to say a general and constant rule. Despite being of a very particular nature, the law of duty is nevertheless invested with this common characteristic: it is both universal and necessary. The universal characteristic of moral law appears in the Qur'an with undeniable clarity. Not only do all of its commandments address to the whole of mankind<sup>50</sup> that which can be understood in a partial sense, but also the same rule, whether it is one of justice or of virtue in general, must always be applied to oneself as it is to others,<sup>51</sup> to one's kin as it is to strangers, to the rich as it is to the poor,<sup>52</sup> outside of the community as it is inside;<sup>53</sup> whether it concerns a friend or an enemy.<sup>54</sup> Even in cases where the text of the law does not contain a general term; even if it is given to suit a particular event, in principle it is held to be universal, which is to say that it can be extended to all analogous cases. That is what the Prophet stipulated.<sup>55</sup> As long as the analogy is so clear that it is virtually identical, which is to say that so long as the two cases are differentiated only by negligibly individual characteristics (such as people, times and places), it is unanimously accepted that a judgement passed in the case of one person may be extended to all. The fiercest critics of *qiyās*, Ibn Ḥazm for example, uphold this principle and strongly defend it as a necessary consequence of the universality of the Prophet's mission and of the equality of all before the law. As we have seen, it is only when the characteristic shared by both is not concretely obvious and emerges only through an incisive rational process that the principle of reasoning through analogy becomes a source of controversy among different Muslim jurists. This is, however, only a detail which does not undermine the general principle.

The universal nature of duty not only means that it extends to all individuals; it also implies that it can be applied to the various circumstances in which one individual may find themselves. This kind of universality is wrongly called *absolute necessity*. We shall see later how this term cannot strictly be applied to the Qur'anic notion of duty. Duty as it is established by the Qur'an is only imposed on mankind to the extent that it is possible; but it is *necessary* in this sense that it *must not yield to our subjective states or our personal interests*. The Qur'an tells us that it is the sceptics or those in whose hearts is a disease who obey the law only inasmuch as they profit by it; while those who have faith submit to it unconditionally.<sup>56</sup> The Qur'an not only extols generosity which is shown both in times of comfort and of adversity,<sup>57</sup> and courage which braves hunger, thirst and tiredness, but it also severely condemns those who allow such inconveniences to prevent them from carrying out their duty.<sup>58</sup> When the divine law speaks, as it tells us in its own terms, *it is not for any man or woman of the believers to have any choice about it*.<sup>59</sup>

Can any stronger expression be found to establish the necessity with which duty is imposed?

We must not, however, confuse this expression with either of the other two meanings of the word *necessity*: moral necessity is different from both physical necessity and logical necessity. Physical law exercises over our bodies a constraint to which we submit, involuntarily and inevitably; moral law, on the other hand, supposes freedom of choice; it is an obligation, but does not constrain us physically. From the beginning it leaves us the choice (at the risk of a later reaction) of whether to observe it or violate it. It is the primordial rule that the Qur'an ceaselessly proclaims, as much for the duty of faith as for practical virtue.<sup>60</sup>

Thus, faced with duty, one has the choice *de facto*, but one does not have it *de jure*. Moral necessity is therefore not existential, but ideal. It must not be confused at all with logical necessity. That which is logically necessary impresses itself upon the mind as a given. We cannot fail to see what the evidence shows us. That which is morally obligatory imposes itself upon the will as something which does not yet exist, but which must be. It is the result of a judgement of value, not a judgement of reality. The realm of duty is thus presented with its own original characteristic. It constrains neither the *senses*, nor the *intellect*, but imposes itself solely upon the *conscience*.

Kant, however, believed that he could trace immorality back to the absurd or the irrational. No unjust rule, he said, can be established as a universal law without leading to a contradiction, either within its very concept, or in the will which endeavours to elevate it to a universal level.<sup>61</sup>

In considering some examples by which the German philosopher wished to illustrate his argument, Bergson stated that he could only adhere to it on condition that any of such concept be understood, not in its simple, material definition, but with the inclusion of its obligatory nature and all of its ethical conditions. Thus, he explains, it would be contradictory for someone to whom one had entrusted a deposit, with the express or tacit arrangement for it to be returned, to then keep it, since the deposit would no longer be a deposit.<sup>62</sup>

However, is it not evident that, even though it is so limited, Kant's thesis still remains unproven? We even say that it is impossible to prove, no matter what dialectical skills are used, because, from the fact that an engagement taken yesterday has been reneged upon today, there certainly results a *contrast* between two opposite positions, but hardly a *contradiction* in the real sense of the word. 'The engagement was to have been kept' is a *de jure* proposition. 'It was not' is a *de facto* proposition. What internal impossibility is there to uphold these two assertions? As long as the two terms of the opposition do not proceed from the same source and are not related to the same references; as long as the affirmation and negation do not fall simultaneously upon the same matter and in the same conditions, there cannot be any logical contradiction, unless a new terminology is invented. 'Reason demands', yes, indeed it does, always. 'The senses agree or refuse',

alas! but it is the law . . . such is the eternal struggle between ideal and reality, between moral law and the law of nature. The best proof of their non-contradiction is that they function simultaneously; the contradictory being what is most obviously expelled from the realm of reality. Instead of using the term *contradiction*, whoever maintains calling things by their name will only say: 'It was an *annoyance*' or 'It was a *disappointment*'. An *annoyance* for the ideal which should permeate reality and which is prevented from doing so; a *disappointment* for moral consciences with their worthy expectations.

We do not want to play with words. One may call this action by which a deposit becomes no longer a deposit whatever one chooses. The point which demonstrates that the moral fault does not reside in this simple alteration is that one ethical factor is enough to change its quality in order for it to be blameless (for example, a concession made by the owner to the trustee).

Instead of the issue of turning back on the moral obligation to keep one's word after it has been accepted, let us now consider the promise of such a person who allows themselves, in an hour of need, to make a false promise. What exactly will happen when we convert this statement into a universal law? Without doubt, elevated to this level, the action by which a man permits someone to cheat others will compromise the one by which he does not want to be cheated himself. The opposition now seems to have been transported to the legal realm, but does this antagonism imply a real contradiction: *wanting and not wanting to be cheated*? We believe that this apparent opposition is only due to a certain equivocation in the term 'to want', which here plays a dual role, both *active* and *affective*. In effect, our *will* – in the proper sense of the word: *the faculty to decide* – may very well enjoy taking the risk of laying down a general order which can extend to affect that which we mistakenly call 'will' and which is nothing else than our *sensitivity*, or *faculty to desire*. It is in this way that a judge *wants*, and finds universally just, the punishment of the culprit, even if he would *not like* being punished himself, if he were similarly guilty. Or to take up again the example of the false promise, does not the very fact of allowing others to cheat imply that the astute liar believes he can frustrate their deceit and escape their trap, without having to change his view?

But, they tell us, by removing the trust from the word that has been given, does not the principle of a false promise destroy the very idea of a promise, which assumes that it will be believed? It is easy to expose the contrivance by which several notions are forced into one. Despite that, it does not contradict the idea of a promise, either in its essence or in its existence, or in the possibility of it influencing people – since some will always believe anything – but only in the certainty of its outcome. This is far from a logical necessity.

What is logically necessary presents itself to us as an analytical and static truth; it is the agreement of the idea with itself, whereas moral necessity is rather of a synthetic and dynamic order: it qualifies a relationship between two different realms; it is the progression of the idea towards its coming into

being. This is certainly not to say that its essence is in itself sufficient for it actually to exist, as with Descartes' idea of the perfect being, since a moral concept cannot be applied in reality except by the activity of a free and voluntary agent. It is necessarily conceived by such an agent as a value worthy of being realised, inciting his will to bring it into being. In a word, it is the demand of a practical ideal claiming its right to exist. With this notion of practical value, we leave the realm of the general characteristics that all laws have in common, to pass on to the characteristics which are specific to moral law.

Thanks to a remarkably penetrating mind, Kant well understood the great difference which radically separates the moral rule from all other practical rules. This difference resides in the Aristotelian idea of *end* and *means*: that which must be sought for *itself*, or for *something else*. This is an idea rich in possibilities which Kant has fortunately known how to utilise and which we also retain, while disengaging it from Kantian formalism. In effect, although the art of living, with its rules of skill and prudence, only seriously requires us to act from the motive of a desirable aim, moral law alone demands action for its own sake, in virtue of the intrinsic value it possesses. Only the command of duty can truly be called *obligation*; the other imperatives are just simple *advice* indicating the means to anyone who wishes to attain the end.

We provisionally leave aside the question of whether man is ever able to view his duty in such an impartial light. We do not now place ourselves at the point of view of the *agent* and we will discuss later<sup>63</sup> the doctrine which makes this ideal purity of intention a strict duty. Like Kant, we only maintain that, since any consideration of the consequence is alien to the idea of duty, *moral law as such* hardly needs an *extrinsic* value to justify its command. In order to establish its authority, it is necessary and sufficient that *action* be presented as *obligatory* or *good in itself*, without taking any account of its result, be it pleasant or unpleasant. To replace one of these considerations with the other would be to reverse the order of things, and not to proceed as a moral philosopher. Nevertheless, it is true that an action can be at the same time *just*, *useful* and *pleasant*. It is not forbidden to the legislator to add to the justifications of his order, but then he no longer simply plays the role of a moralist: he adds others to his office, which are not always compatible. An expert educator may even have to resort to this procedure to ensure that his teaching is effective. This addition is all the more justified when it concerns the education of beginners, but in proportion to the progress that is accomplished, morality becomes more and more pure, until it can finally support itself. It seems that it is by this progressive method that the Qur'an has proceeded in its teaching of ethics.<sup>64</sup>

Parallel to this characteristic of moral obligation, as seen from a legislative point of view, we have to mention another characteristic, from the point of view of application: it is that a moral action never consists of a physical deed which is *unconscious*, *involuntary* or *unintentional*. Whereas legality is satisfied



with the act itself, and with the dry letter, morality always requires its *spirit*. Even without taking part in the famous debate among Muslim scholars concerning the absolute necessity to perform one's duty solely out of duty, it is undeniable that in Islam the sanctity of duty demands at least that one contemplate one's action before taking it. It is absolutely necessary that, at that moment, the mind adopts such an attitude that the act is not considered simply in its physical aspect, but expressly in regard to its obligatory characteristic. If not, an action which completely conforms to the letter of the law remains like an empty gesture, a profane object, without any moral value.<sup>65</sup> So, the law of duty is characterised by the fact that it is a law of *freedom* and *reason*, of *intrinsic* value and is essentially *spiritual* in its activity.

We shall now return to its general characteristics, which it shares with all other laws, in order to present them in their precise Qur'anic form. We have seen how, from the Qur'anic point of view, this law is necessary and universal; however, this does not make it absolutely unconditional. What are its conditions? There are three: one concerns human nature in general; another, the concrete reality of life; the third, the hierarchy of actions.

#### *A The possibility of action*

It might seem superfluous to emphasise the idea of the physical possibility of an action as a *sine qua non* condition of moral obligation. Not only does the conscience of the common man acknowledge as an innate truth that nobody is bound to perform what is impossible, but it is even stated in numerous Qur'anic passages, such as:

*Allāh does not burden any soul with more than He has given it.* 65:7

*We do not burden any soul with more than it can bear.* 6:152; 23:62

*Allāh does not burden . . . (the same phrase)* 2:286

The circumstances in which this last text was revealed can help us to determine the sense of this impossibility, which is considered to be incompatible with obligation. In an earlier verse, it is stated:

*Whether you reveal or conceal your thoughts, Allāh will call you to account.* 2:284

Holding to the letter of this general statement, the Companions of the Prophet believed that it applied to everything which occurred within the conscience: ideas, decisions, desires, dreams, fantasies, and so on. They immediately came pleading to the Prophet, deploring their inability to obey, saying: 'We are not masters of our involuntary thoughts or of our inner voice.' He replied to them: 'Do you mean that, like your predecessors, the people of the Book, you say: "We have heard but we disobey"? Say rather: "We have heard and we obey".'

Then there was<sup>66</sup> a revelation explaining the text mentioned above: 'Obligation is only imposed on people according to their ability.' Thus they understood that the various states of the soul which do not submit to the will were not and could never be the direct object of an obligation, no more than are the reflexes, instincts, appetites and natural inclinations. This is why all imperatives relating to love and hate, fear or hope, have been interpreted in a rational manner by the commentators, in a way that links them to a previous action, the cause of these states, or a contiguous or later action, but never to anything involuntary. This is how the love for God, an emotional and involuntary state in itself, may be acquired through a voluntary act: the contemplation of the infinite goodness of the divine and the remembrance of the blessings that it bestows on us, for people are made in such a way that the services rendered to them determine their love for their benefactors. It is in this indirect sense that love of God is the object of a commandment in the *ḥadīth*: 'Love God for the goodness that He never ceases to shower on you.'<sup>67</sup> Loving our neighbour can also be determined through comparable methods or through even more appropriate practices, which we find in a beautiful example recommended by the Prophet: 'Forgive one another (or shake hands) and your resentments will disappear; exchange presents, so as to foster mutual friendship.'<sup>68</sup>

By contrast, the command, 'Do not become irritated or angry'<sup>69</sup> seems to aim at the effects of this emotion, rather than its causes. What is meant is: do not allow yourself to be drawn into the unforeseen consequences of anger; resist urges pulling you the wrong way and redirect them elsewhere.<sup>70</sup>

In the face of irrefutable evidence one does not only give one's acquiescence to belief itself, which is not regarded as a derivative obligation, since it is given. This is why, in order to summarise all the pieces of advice concerning faith, the Qur'an gathers them all into one: engage in meditative reflection in solitude, or in the company of one other person, in other words, far from the influence of the crowd.<sup>71</sup>

Islamic history, however, has witnessed a prolonged debate between Ash'arites and Mu'tazilites concerning this question: can God not only place upon people an unbearable burden (*taklīf mā lā yuṭāq*), but even oblige them do the impossible (*taklīf al-muḥāl*)? The strange thing is that, whereas the Mu'tazilites, who in principle give free rein to reason, defend the letter of the text here, the Ash'arites, who often carry the standard of Muslim orthodoxy (without always being, it must be acknowledged, its best representatives), take the opposite position and teach the possibility, even the legitimacy, for God to place upon us that which is beyond our strength, to oblige us to carry out that which cannot be done, even the absurd. The reason for this reversal of position will become easier to ascertain if we place the controversial point within each doctrinal framework.

In Mu'tazilite thought, this position is linked to a rational system which seeks to reach, through reason alone, the very essence of the Supreme Being

and the moral laws which inform His actions, as well as those which He imposes on us. What is more, once they know the divine laws, they deduce a whole succession of defined rules, from which God can never deviate. God is good, wise and just. So, they state, whatever is in itself incompatible with these attributes, or which we conceive as such in all certainty, must not, cannot, be done by God; whence the following rules, among others: God must not create anything without considering its useful ends for his creatures (*ri'āyat al-ṣalāh*); and out of two possible good actions, He must perform the better one (*ri'āyat al-aṣlah*); God must not intervene in our voluntary actions, either to determine them or to prevent them; conversely, he must arm us with equal power over two opposites and allow us to choose freely between them; one who obeys must be rewarded by God; one who disobeys without repenting must be punished by God and not forgiven, otherwise, He would commit an injustice. Is it a question of the nature of our duties towards God, towards ourselves, or others? These necessarily proceed from the nature of good and evil; and we have virtually an innate knowledge of this nature. Even if God had not manifested His will in the Scriptures, if He had not revealed His commandments to His Messengers, we would have known them all the same, and would have been bound to follow them. The Scriptures and Messengers only confirm and explain what we know through reason.

It was in order to counteract these great aspirations, this excessive confidence in human reason, that the Ash'arites undertook to combat the arguments of the Mu'tazilites, one by one. Of course, this polemical spirit could sometimes lead them to commit the opposite abuses. Wishing to counter argument with argument, the Ash'arites at first failed to proceed on solid philosophical grounds, or in any case those that were less dangerous, from what might be called a negative position, which consisted of objecting to the arbitration of reason in these matters, given the incommensurability of the finite human mind with infinite things. But, on positive grounds, they failed to find any wiser a solution, a constructive and truly Qur'anic solution reconciling opposing attributes without neglecting or exaggerating any particular one. Thus it is that the Qur'an teaches us that *Allāh ordains whatever He wills*.<sup>72</sup> How is it possible to understand this statement in an absolutely arbitrary sense when He confirms elsewhere that:

*Allāh will judge with justice.*

40:20

Here are the same opposing attributes in a different form. In one text it is said:

*As for my punishment, I strike with it anyone I will*

7:156

but in the same text we find:

*My mercy extends to all things*

7:156

and in another text:

*Why should Allāh punish you if you are thankful and have trust in Him? Allāh is Responsive, Aware.* 4:147

In the same way, when the Qur'an declares that God could cause the destruction of the human race, the just as well as the guilty,<sup>73</sup> or that nothing can oppose the crushing burdens He places upon us, nor the harsh measures that He takes against us,<sup>74</sup> is it not clear that the conditional form is rarely transformed into the present? One may even state that it will never happen, since:

*He has made mercy incumbent on Himself.* 6:13

Instead of underlining divine omnipotence, which the Mu'tazilites had avoided emphasising; instead of making it comparative to divine wisdom, which the Mu'tazilites had highlighted, our ardent, but not very prudent, theoreticians virtually suppressed the latter in favour of the former, but while conserving it in name only.

When we come across a well-arranged piece of work, perfectly organised, each part having its function within the whole; or when we see an action lead to good consequences, we have the habit of explaining these things by means of other things; of taking a connection in space or in time, a structural interdependence, or a historical sequence, for an intentional finality.

Anthropomorphism! the Ash'arites say; this human interpretation does not apply to the providential order where, according to them, there is no finality at all. God does what He wills and is indifferent to any outcome. *God does not will one thing in order to achieve another; He wills both by one and the same sovereign act.* So be it! we say, but in spite of this aimless, unbalanced voluntarism, should they not acknowledge that the realm of the will and existence is more limited than that of possibility and omnipotence? Then, nothing prevents all that God creates or commands from being in conformity with the requirements of justice and goodness, even though He is not bound by them. In this particular case, we will be satisfied provided we are reassured that, if not *de jure*, then at least *de facto*, and following a constant and invariable law, God only obliges people according to their strength.

The most reasonable of the Ash'arites understood this, but others went further, led by their love of polemics.<sup>75</sup> They tried to find an ingenious means of establishing *the obligation to do the impossible per se* not only as a *right* of the divine power, but as an already accomplished *fact*. And with exemplary temerity, they claimed to find concrete examples of it in the Qur'an itself. This is their precious discovery: It is the case of certain unbelievers to whom the Qur'an had announced that they would die in a state of unbelief, despite all the efforts made to convert them.<sup>76</sup> However, these people were nonetheless required to believe all revealed truths, including that of their everlasting

unbelief, thus to do the impossible: (1) – because nothing which God knows to be impossible can ever exist; (2) – it would even be contradictory to believe this particular revelation, after which they would never believe, since that would be to believe and not to believe. Adding some comments to this twofold argument, Fakhr al-Dīn al-Rāzī presented it as the most irrefutable proof from which rationalism could never escape.<sup>77</sup>

However, supposing that its premises are true, we can only see various specious paralogsms in this twofold argument. The first argument, which is derived from divine foreknowledge, is based on a confusion between two clearly distinct metaphysical notions: the *possible* and the *real, essence and existence*. It is not because a thing does not exist or never will exist that it is impossible in itself. Science does not change the essence of things, any more than their reality. It copies it, reproduces it and expresses it. If all that God knows as inexistent is *impossible*, we must also, for the same reason, say that everything He knows as existent is *necessary*: what is then left in the universe for the exercise of the divine will?

As for the second argument, it arises from a logical confusion between two types of propositions, one independent and the other subordinate. *To believe* and *not to believe* are indeed contradictory, supposing that all requisite identities have been established, but *to believe in never believing* is an actual fact for the one who does not believe; since he feels it within himself, he knows it through the most immediate and intimate experience.

As all their attempts failed in the Qur'anic domain, our polemicists directed their search towards a wider, purely rational area; and they now wanted to demonstrate to us that the obligation to do the impossible, far from being an isolated case in divine legislation, is a *general rule* from a certain point of view.

In order to defend human freedom, their adversaries, the Mu'tazilites, placed that freedom prior to the action, in that moment when everyone experiences their dual power to act or to refrain. The Ash'arites objected that before acting, power is only virtual, whereas real power is contemporaneous to the action;<sup>78</sup> now this power only ever affects these two contrasts alternately. While occupied with one, the other remains impossible, as long as the first is in the process of being enacted. He who disobeys an order and applies his activities elsewhere is therefore incapable of obeying it while he is disobeying it; however, at the very same time, he is obliged to carry out his duty. On this account, cases that are said to be exceptional, where the aim of the obligation is unrealisable, are at least as numerous as regular cases.

But who cannot see that this is pure sophistry. Nobody has ever dreamed of interpreting an order given to someone who is disobeying it as an obligation to be *obeyed at the same time as they are disobeying it*. It is very clear that it is simply a matter of inviting them to stop their opposition and to replace their activity with one that is moral. If some insist on calling such an action *impossible*, that is only a false problem. Although they do not fall into agreement on the definition of the word, the two opposite camps find

themselves in agreement on the facts themselves – and the principle that we defend remains intact.

### *B Gentle practice*

Everything which cannot be subject, either directly or indirectly, to our power has now been eliminated from the realm of obligation. This elimination cannot only be a part of Islamic ethics; it must constitute the characteristic that is common to all just and reasonable ethics, more particularly to all revealed ethics, since the contrary is evidently incompatible with divine justice and wisdom. The purport of the texts cited above only confirms this point. In effect, the texts present this condition in such a categorical and universal way that we are entitled to interpret them as the statement of a law which God made for Himself, and which is applicable to all human beings at all times.

Here now are other texts which not only exclude anything from Islamic law which is absolutely impossible, but also any burden which would normally be unbearable, and any difficulty which would *exhaust* human strength, let alone be *beyond* it. The Qur'an declares:

*Allāh desires ease for you; He does not desire difficulty for you.* 2:185

*He has selected you and not placed any constraint upon your religion.* 22:76

*Allāh desires to make things lighter for you. Man was created weak.* 4:28

*We have only sent you as a mercy to all the worlds.* 21:106

We hear in these words a very new tone. Whereas the first condition, *possibility*, had been presented as an eternal truth, independent of space and time, we only find here moderate statements introducing this second characteristic, *gentleness*, as a historical fact attached to the community to whom the message is addressed, the followers of Islam. If this is not to say that it is a specifically Islamic characteristic, at least the systematic absence of a general statement on this subject suggests the idea that it is not common to all revealed laws. Now this idea, which can only be deduced here by the inference of the contrast in style, appears clearly expressed elsewhere:

*Our Lord, do not place on us a load like the one You placed on those before us.* 2:286

Therefore, there was a heavy burden imposed in a previous revelation. In which religion? What was this burden?

Commentators give several examples regarding the second point, but this is not the place to verify their historical value. Regarding the first point, the expressions that some of them have used allow us to understand that it

concerns all the previous religions, from which Islam is detached by a kind of mysterious privilege. If we abide by the instructions of the Qur'an, we believe we may be able to give a more reliable and definite answer to these two questions.

In the middle of a dialogue which the Qur'an reports as having occurred between God and Moses following the sudden death that struck seventy Israelites on Mount Sinai, we notice a sentence very similar to the one with which we are presently concerned, giving it all the more an explanatory value, as it uses the same word as ours:

*My mercy extends to all things but I will prescribe it for those . . . who follow the Messenger, the unlettered Prophet . . . who relieves them of their heavy loads and the chains which were around them.* 7:156-7

The people of Israel and the Jewish religion can therefore serve as an example in order to clarify the text in question, but to what extent? Are we to consider the two texts as co-extensive or, on the contrary, should we delve further back in history and, extending this example to former religions, conclude with the privilege of Islam on this point? Our position is clearly unfavourable towards this last hypothesis, for the following reasons.

First, one cannot describe as burdensome a religion such as that of Abraham, to which Islam ceaselessly appeals and to which the Qur'an attributes the same characteristic of mercy.<sup>79</sup> Second, according to the Qur'anic passages themselves, the difficulties inflicted on the people of Israel (such as the Sabbath and the prohibition of certain foods) were not part of the original religion. They were later commands, in order to punish them for their bad conduct:

*The Sabbath was only enjoined on those who differed about it.* 16:124

*Because of wrongdoing on the part of the Jews, We made unlawful for them some good things which had previously been lawful for them.* 4:160

The nature of the forbidden foods, to which this passage alludes, is explained in detail in another passage of Sūra 6, ending with this conclusion:

*that is how We repaid them for their insolence.* 6:147

Therefore Islam only re-established things in their normal order, which, according to the Qur'an, is the mission that Jesus was commissioned partially to fulfil.<sup>80</sup> Finally, in the third place, it cannot easily be understood how divine goodness should, from the very beginning, wish to establish an institution that would weigh so heavily on man, this feeble creature, and that would be so difficult as to make him groan under the weight of its burden, as the Arabic

word 'iṣr' signifies. At the most, according to some confessions, we might speak of a relative difficulty in performing certain duties, or of an extended margin of freedom of initiative or freedom of choice. Whatever it is, we will not expand too much on this subject, which demands a more detailed comparative study and we now return to our starting point in order to see, through several examples, certain aspects of this *practical gentleness* which accompanies Qur'anic imperatives.

One of the first aspects consists of the fact that, far from prescribing excessive zeal in pious behaviour, such as spending the night in prayer, the Qur'an discourages it and indicates that it has several disadvantages. We know that at the beginning of his mission, the Prophet was requested to spend a greater part of the night in praying and reciting the Qur'an;<sup>81</sup> that, following his example, several of his Companions took up the custom of doing the same. Now, we read in the subsequent verses of the same sūra about a lesson that was addressed to this group, bringing it to their attention that they would not be able to continue this practice in circumstances such as illness, travelling and fighting, and recommending them to remain awake only as and when the conditions of their lives allowed it.<sup>82</sup> Later in Medina, the same excessive spirit of devotion appeared among some practitioners, and was equally condemned as an abuse, opposed to the spirit of the law.

It appears from the corpus of Qur'anic and prophetic texts related to this subject that Islam attaches great importance to certain considerations of which the devout must not lose sight, and whose omission would be the natural consequence of this excess. As has come to be seen, not only must man guard against excessive practice to the detriment of other duties (trade, war ...), but the pious act itself must not degenerate into an automatic formula, where one no longer has a clear awareness of what one is doing, or saying.<sup>83</sup> The Prophet even observes that, forcing oneself to prolong the night prayer may interfere with the sensory system, causing regrettable slips of the tongue: instead of begging for God's forgiveness, one might utter blasphemies or call down curses upon oneself.<sup>84</sup> Without waiting to reach this point, a simple bodily lethargy or mental satiety will be enough to allow oneself to rest from these devout activities.<sup>85</sup> The application of a pious action should last only as long as it gives joy and cheerfulness to the heart, for we must not make divine worship hateful to ourselves.<sup>86</sup>

One last remark, and not the least judicious, is that someone who weighs up an action excessively is often led to find fault in that very action, or even never to perform it again. The Prophet compares such a person to a severe horse rider who continually tortures his mount, causing it die before he has reached his destination.<sup>87</sup> All these examples are not so much concerned with *removing an actual difficulty*, as with *preventing certain eventual difficulties* that are likely to happen. The solution offered does not change anything in the *structure* of the action, but rather in its *timing*: it imposes a voluntary cessation at the right moment.



We now consider the second aspect. We are dealing here with a duty which has been established in either normal circumstances, or in appropriate, specific ones; since these conditions change, they put us in a situation where performing our duty fully, as originally defined, becomes a real difficulty. Are we still to perform it notwithstanding? Is God so indifferent to our suffering as not to take into account the new situation? Certainly not, and this is where the merciful characteristic of Qur'anic law appears most clearly. In effect, the solution will consist of an *adaptation* of duty to the new conditions of life; the action will undergo a considerable modification: this will be, according to what circumstances require, a *mutation*, an *attenuation*, a *postponement* or even an *abrogation*. Whether the change in the situation is definitive and permanent, or relative to a particular case, or to a particular category of people or thing, the same considerations will apply to the action.

Let us take the example where the duty has been *attenuated* in a *definitive* way. What is the numerical proportion in which Muslims who have been invaded must put up an armed resistance against their enemy? One to ten.<sup>88</sup> This is the first solution that the Qur'an gave to the first Muslim army, when they numbered only a few hundred men. But, one curious thing is that the nation grew more numerous, and it never returned to its original state, since these young, eager people do not seem to have had the same energetic qualities as before. This is explained as a kind of natural relaxation, due to the great numbers of people who came to their aid and whose presence seemed to exempt each member from making a personal effort. In such unavoidable psychological conditions, how could such a community be obliged to attain the same heroism as the one at the beginning? Nevertheless, with a moral advantage through the faith that inspires him, the Muslim fighter will always have a lead over his opponent and cannot lower himself to be his equal. From this comes the second and final solution in which the ratio is now one to two.

In this example, the law concerning such a difficult case was revealed at a later date. More often, it is given at the same time. Besides the normal case, where one is in a position to act, the rule foresees an exceptional case for which it gives an issue. Sometimes, it is a *full dispensation*. Thus, men who are sick are exempted from their military duty.<sup>89</sup> People who find themselves oppressed in their country and who must search elsewhere for a secure place to exercise their freedom of faith and religion, will be allowed to remain if they cannot afford to go back.<sup>90</sup> A traveller who cannot find wholesome, permitted food can, and even must within limit, nourish himself with anything available, rather than allow himself to starve to death.<sup>91</sup>

Sometimes it is a *partial dispensation*: On a journey, four-unit prayers are reduced by half.<sup>92</sup> During battle, prayers may be performed walking or riding.<sup>93</sup> Sometimes, it is a *simple remission*: Sick people and travellers do not have to fast at the prescribed time; they can make up for it later.<sup>94</sup> Sometimes, the action which could not be performed is *replaced* by an easier one. A traveller who cannot find water for his ablution, or a sick person unable to use it, can

perform the action symbolically, which consists of touching a clean stone or clean sand and then passing the hands over the face and arms.<sup>95</sup> It may be observed that, in most of these examples, the text puts the emphasis on the practical gentleness that they imply and which characterises the mercy of the divine law. Thus they happen to have the necessary quality for demonstrating that it is not something accidental, or a matter of chance, but an essential principle, whose means of application is constantly sought.

Let us look at another aspect of this relationship between duty and circumstance. In the aspects which we have studied up to now, the obstacle before which the obligation made some concession was a natural one, not a human creation. How about when, out of necessity, a mechanism has been set up that man himself has created and that he is capable of dismantling? Cases arise, nevertheless, where, in the long run, this device becomes like a rebellious and stubborn second nature. Is one to shrink away from this difficulty, treating it like a reality beyond man, for whose evolution one must passively wait? The original solution of the Qur'anic legislation is entirely different. It consists of approaching this situation and working it out with particular skill, with a view to allowing man gradually to go back up the slope which he descended, so that once he has reached a certain level, he will even accept the moral order, up to now set aside.

A very striking example of this is found in the Qur'an's position with regard to a bad habit that is continually transmitted from generation to generation and deeply rooted in the nervous system and whole body of those who have acquired it; we are speaking of this stupefaction, this scourge of humanity, which is alcoholism. There are four passages in which one finds allusions to the state of drunkenness and fermented (alcoholic) drinks. Only the fourth and final one formally states the prohibition of these drinks. The first three are only progressive stages to prepare the psychological ground for the believers to accept this prohibition.

The first stage of this path was put into effect by a word revealed at Mecca, a single word which hardly touches on the subject. Among the good gifts that God has provided in nature, the Qur'an cites:

*the fruit of the date-palm and of the grape-vine* 16:67

and it immediately adds:

*You derive both intoxicants and wholesome provision.* 16:67

Only in understanding this parallelism, where alcohol is compared to other produce which is qualified as good, without it being qualified as the same, do the believers already have sufficient motive to feel some scruple with regard to this drink.

Then, soon after their arrival in Medina, they are struck anew by a second

statement, which is meant to reinforce their scruples. It consists of a brief comparison between the advantages and disadvantages of alcohol and games of chance. From this comparison, the Qur'an concludes in these terms:

*But the harm in them is greater than the benefit.*

2:219

If it is true that nothing in this world is absolutely good or bad, that which is called good or bad only contains a relatively high degree, then this conclusion had to be taken as a veritable condemnation. It is only because the prohibition was not clear enough in everyone's mind that a number of Muslims, perhaps the majority, continued to drink whilst the others started from the beginning of this era to abstain. It was necessary, therefore, for something more explicit to bring everyone to a clear conviction. However, it was not without an effect on those in the community who were unaware. As for the strong-minded, they waited to receive a definitive decision confirming their point of view. In fact, an injunction did come, but it was not definitive, forming only an intermediary stage. At this third stage, it was not said: 'Do not drink', but only:

*Do not approach the prayer when you are drunk.*

4:43

One will realise the progress made by this step if one considers that the prayer in Islam constitutes not only the first religious duty to be performed regularly, but also the external criterion, the sign that designates the true believer, which must be performed five times a day, including four between midday and night. This means that a person who drinks during these intervals risks missing his most sacred duty. This partial and indirect interdiction was thus a practical way of spacing out the periods of alcoholic dependency, whilst at the same time reducing the sale of drinks, so as to clear them from the market progressively, without causing an economic crisis through a complete and sudden prohibition.

From there to a definitive prohibition and clearing the market once and for all, there only remained one step, and it was taken by the fourth and last formulation:

*You who believe, intoxicants and gambling, idolatrous practices, and [divining with] arrows are repugnant acts – Satan's doing: shun them so that you may prosper.*

5:90

This gentle and progressive approach reminds us of the way clever doctors treat a chronic illness; or more generally of the way that mothers wean their infants. Without any violence or harshness, the digestive system is led by these means gradually to change its diet from light to more nourishing foods, passing through all the intermediary stages. How infinitely more gentle than medical skill or motherly tenderness does divine mercy appear!

\* \* \*

The progressive method we have just detailed is apparent not just in particular examples, it is also applied in an equally clear manner throughout the whole of Islamic ethics, as it is in the institution of Islam in general. We know that the Qur'an, which plays a principal role in this institution, was not sent down all at once and in the form that we see it today. On the contrary, it appeared gradually over about twenty years in the form of fragments of various lengths during two periods of roughly the same duration: the Meccan period and the Medinan period. It can easily be seen that the passages belonging to the first period are essentially concerned with establishing the faith and the principles and general rules of behaviour; that, with the exception of the rules regarding prayer and food, the application of these practical rules for solving particular moral or legal problems was almost completely reserved for the second period. From this point of view, one could say that the whole of the Meccan period was a kind of preparation. The particular applications of these general principles were so spread out, over a period of ten years or so, that each new prescription constituted a progression in the realm of obligation, relating to the previous stage and a point of departure for the next stage. Setting aside the particular accompanying circumstances, explaining and justifying the establishment of each new duty, and considering this series of commandments, each separated by long intervals, one can see that it is a pedagogical method of the highest value. It is enough to imagine what would have happened if this entire multitude of commands ruling every aspect of life had been delivered all at once and in a sudden manner; spread out in this way, each soul was perfectly accommodated, as if it gradually increased in strength and ability as it practised obeying each new command.

The unbelievers living at the time of the Prophet failed to understand this refined legislative wisdom. This is why they protested *Why was the Qur'an not sent down to him all at once?*<sup>96</sup> And the same verse which mentions this objection continues, providing us with the reply:

*It is so that We can fortify your heart by it.*

25:32

In another passage, we read a second explanation:

*so you can recite it to mankind at intervals, and We have sent it down little by little*

17:106

‘Ā’isha very well understood the meaning of this.<sup>97</sup> ‘Umar II, in turn, underlined its importance in the political field. One day his son ‘Abd al-Mālik reproached him for being too patient: ‘Why do you take so long in settling your business?’ ‘Umar replied: ‘My son, do not be too zealous; God twice

warned against wine, and He only forbade it the third time. If I were to impose the truth all at once, I fear people would only reject it all at once and this would generate discord.<sup>98</sup>

### *C The delimitation and grading of duties*

Thus, moral obligation in the Qur'an is given with a twofold condition: the action to which it refers must be possible for ordinary human beings (subject to the will of man) and approachable in the concrete reality of life (practical, not tyrannical).

This is not all. Even if it does not leave the realm of moral good, it is not enough for an action to be possible and practicable for it to be included under the category of duty. Here we meet a hierarchy of values, both positive and negative, cleverly arranged and richly detailed. In the first place, if we set apart elementary and definite duties whose application is not debatable (such as, not lying, returning what one has been entrusted to keep, helping anyone in immediate danger), there remains *creative, constructive virtue*, a field of activity which is so vast that it comprises endless *degrees, all possible and practicable*. Are we to perform them all, or is it enough to begin with something? In other terms, *are goodness and duty two co-extensive notions*? Do there not exist, beyond what is strictly obligatory, more and more meritorious degrees which we can ignore without falling into immorality? If we consult individual consciences, the diversity of responses certainly reveals opposing tendencies, as not all human beings have the same requirements and moral energies. Whereas strong souls<sup>99</sup> place their duty at the highest possible degree of perfection and thus equate these two concepts, the masses tend to remain at a low degree and define duty according to a minimum of humanity and sociability.

Despite what he says, we hesitate to class Kant among the philosophers who maintain the correlation between the idea of obligation and that of good, in the broadest sense of that word. This is because, in order to place the notion of duty above everything, he started by excluding all connections between man and a superior being and inferior beings from his area of investigation, thus limiting it to the individual and human society. Then, within these restricted parameters, he further distinguished two categories of duties which he calls *perfect*, or *essential* and *imperfect*, or *accidental*.<sup>100</sup> Finally, the duties which he includes in the latter category are precisely those whose aim is the perfection of the self and the happiness of others; the duties he calls *strict* are nothing but *prohibitions*: not to debase man, or to use him as a means to an end. The only perfection he deems absolutely obligatory, and at the same time impossible in this life, is that of moral intention, which consists in doing one's duty for duty's sake only.

But to those who extend duty to all forms of good, and who also wish to make the highest degree of perfection possible a rigorous obligation in every domain, one may ask whether they consider all of these perfections a duty for everyone, or whether they leave everyone the choice of the domain which he

wishes to perfect. It is clear that, according to the first hypothesis, something is demanded which is far beyond human ability, but, in the case of the second, does it satisfy the moral need of man if he is monopolised by one value to which he devotes himself entirely, to the detriment of the others?

The human being is a synthesis of relationships: the personal, familial, social, human and divine; a system of elements that are interdependent and closely linked; all liable to evolution and progress, so that none can be neglected without damaging, deforming or mutilating the 'admirable proportion' in which man is created. The moral sense demands the progression of this ensemble altogether, which is only possible on condition that all parts are raised together to a certain level. *The human soul must partake in all values, before it specialises in one of them more specifically.* This is the Islamic view of duty.<sup>101</sup>

From this co-ordination of values, it necessarily results that in each branch of life, duty must occupy only a certain part of the good which is both possible and practicable for this very branch, and leave space for others to satisfy their own demands and obtain their legitimate share of our endeavours. This is a criterion whose upper limit can be ascertained by balanced minds, and of which each virtue ceases to be itself if it violates another virtue.

However, this upper limit, which varies according to the intelligence and conditions of every being, only partially and negatively defines the field of moral good. Everyone recognises various degrees of merit in this vast field. Failing at one level or another leads to either *severe condemnation*, or *light reproof*; occasionally it arouses *no reaction* from the conscience at all. Does this not tacitly acknowledge that there must be two different values in the realm of good: a compulsory minimum and a more meritorious supplement? Consciences are not mistaken in that, but in wishing to consider the obligatory as the lowest possible level, a criterion in which people generally do not find their satisfaction. The upright man requires more. He vaguely conceives of an average of goodness, which cannot be measured precisely. How are we to define this average for every one of our duties? The human mind cannot provide a rational and objective criterion. Should we refer to the individual conscience? Then there would be no agreement on anything. Should we work together to establish a conventional limit? This would mean resorting to arbitrary opinion. Yet we need such definitions. *For the law to be universal, it is necessary to have a certain homogeneous basis*; otherwise, no rule would remain and the law would only be a meaningless word. Various attempts have been made rationally to define our strict duty towards our fellow human beings, but these have only been able to give the negative aspect, which is not to wrong others. Men thus are entitled to our justice, but not to our charity. Here, selfishness is established in law! And how are we to measure the minimum necessary of our duties towards God and ourselves? Islamic ethics offers precious insights on all these points.

Aside from the absolute duty that carries no restriction or limitation,

namely, the act of faith, it indicates two levels of good for each possible action and it names them quite distinctively and precisely: the 'quantum minima' below which one cannot go without neglecting one's duty, or above without exceeding the maximum; in other words, the obligatory good and the recommended good. Already that which it designates as strictly necessary represents a substantial participation in each merit.<sup>102</sup> Besides that, in each domain the Qur'an opens the way to an ever greater participation and encourages everyone not to stop at this ordinary level, but always to rise to even higher degrees of merit.<sup>103</sup> Above the established right it places the virtue of tolerance and insists above all on 'generosity'.<sup>104</sup> If a debtor cannot pay back the debt, it is a duty to allow him more time; but it is more praiseworthy to allow him not to repay at all.<sup>105</sup> It is a right to resist injustice but to endure and forgive:

*is one of the most magnanimous things*

42:41-3

To perform one's duty well is good enough but:

*If anyone does good spontaneously, Allāh is Responsive, All-Knowing.*

2:157

Parallel to the degrees of positive value which one comes to discern in the Qur'anic concept of moral good, it is easy to recognise those negative values, which the Qur'an places opposite. However, with these two parallel columns the scale of values is still not exhausted, even at its basic level. The two opposites are brought closer together by a medium term, which links them without giving a solution of continuity. Between the *value* and the *anti-value*, the Qur'an places the *non-value*; between the *prescribed* and the *proscribed*, there is the *non-proscribed*. Similarly, in the acts which are prescribed it distinguishes firstly the *primary duty*, then *other obligations*, then finally *more and more meritorious actions*, and in those which are proscribed it ranks the *unforgivable*, then *other bad actions*, *serious or venial*, just as it establishes two degrees in the non-proscribed acts: the *permissible* and the *tolerated*. One is entitled to ask if anything can be added by the most sensitive and refined mind to such a hierarchy of values? It is in vain that we try to find some lacuna that might be likely to justify the appellation 'separatist mind', coined by L. Gauthier to describe the Islamic mind, which had established this hierarchy, acknowledged by the author as something purely Muslim: 'The juxtaposition of opposites is the formula in which everything is summarised in the Arab world, especially Muslim Arab world: religion, history, and so on.'<sup>106</sup>

That said, let us now resume our exposition at the point where we left off, to say a word on the true meaning of this gradation, which concerns Qur'anic allowances and permissions. Needless to say, permission in the proper sense of the word only refers to actions which are morally neutral.<sup>107</sup> As for the

allowances, one must first discard the idea of making a concession to something that relaxes mores, or to someone's passions and caprices. Before anything, this would be a negation of ethics itself, which by definition is a *rule of conduct*. What is it to obey a *rule*, if not to hold to it firmly and not to give in to temptations to turn away from it? That is given. If there is a kind of difficulty towards which the Qur'an shows itself to be inflexible and which it encourages us to conquer at any price, it is precisely that which implies resisting our inclinations. One has to choose between obedience to God and submission to our own unbridled desires:

*Do not follow your own desires, letting them misguide you from the way of Allāh.* 38:25

*Do not follow your own desires, and deviate from the truth.* 4:135

*Who could be further astray than someone who follows his whims and desires?* 28:50

Thus, in the allowances made by the Qur'an, it is not a matter of inclining towards our whims. It is purely and simply a matter of taking into consideration the concrete reality to which we apply our activity, not that one goes down this path to the point of abandoning our effort and dispensing with our duty. We have seen that, in general, it is not in *itself* that the rule is subordinate to the situation, but in its spatio-temporal determinations: quantity, duration, form, date, and so on. If one does not wish for the moral law to become a dead letter, it must not be enclosed within a rigid framework of times, places and entirely external conditions; it must be applicable either in one form or another. It is only natural and just that the effectiveness of this application demands some adaptability to real conditions which are beyond our control. When, at the extreme limit, faced with the insurmountable obstacle of this reality, obligation gives way to necessity (such as in the case of an incapacitated man who cannot perform his military duty, or a deprived and starving person who can only find impure food), it is essentially a matter of preventing complete exhaustion from one single practice to the detriment of others of equal or more importance. *The aim of the gentleness of this legislation is therefore not to diminish, but to rationalise effort.* We shall see below<sup>108</sup> how the Qur'an has formed a synthesis of these two notions, but let us first clarify the Qur'anic position with regard to problems pertaining to the very concept of obligation.

### 3 Antinomies of obligation

With the notion of obligation, we are, in effect, at the crossroads of a multitude of practical antinomies, from among which all moral thought is extracted and with regard to which it must take a particular position. We draw attention to two principal antinomies below.



### 1) *Unity and diversity*

It is an indisputable fact that, if ethics is a science, it must be constructed not from specific and contingent propositions, but from laws which are both universal and necessary. None the less, if it is also a normative science, designed to govern human action, then it must consider life in its concrete reality. Life is essentially diversity, change and renewal. We are thus drawn to the following alternatives: either the model of behaviour which this science presents is considered to be immutable and universal, or it is open to variations and modifications. According to the first hypothesis, humanity is taken back to a single type that is perpetually identical to itself; space is then reduced to a point, time to an instant, the movement of the universe stops and life itself is removed and replaced by an abstract idea, which exists only in the imagination of the moralist. If, however, one takes into account the irreducible, inalienable characteristic of the singular action, which is subject to the alteration of time and the disparity of space, we can no longer talk of a rule, a law or a science. For what is a rule that is destined to die as soon as it is created; a law which only commands an individual for one instant; a science without any universality?

So, to safeguard the unity of the law or to respect the *diversity* of the nature ruled by this law; to maintain the simplicity of the rule or to subordinate it to the complexity of the life to which it is applied; to rise to a pure and eternal ideal, or to descend to an ever-changing reality; to make the essence prevail, or existence? These are the extremes against which we must guard. We cannot approach one to any extent without distancing ourselves from the other. This is the first ethical difficulty.

### 2) *Authority and liberty*

However, there is another problem, which, moreover, is linked to the first. It is beyond question that the relationship expressed in the word *obligation* is one which puts two different wills together, and is even conveyed by their very natures, manifesting antagonistic tendencies: the *legislator* who commands, jealous of his *authority*, and the *subject* who acts, defending his *freedom*. The legislator's authority is all the more respected if the rules which it establishes keep their statements intact and so fixed that circumstantial variations do not interfere at all in order to limit or attenuate them. In such conditions, moral law becomes similar to natural law; the subject only submits to it passively and applies it blindly, so that the necessary response to *pure obligation* is worthless freedom and servile submission. Then what good is this conscience, if its presence or absence does not change anything in the course of things? If one satisfies the active subject, granting him complete *freedom of action*, the opposite effect will be produced: a command will be transformed into a simple *piece of advice*, which we can accept or ignore, according to our personal opinion.

Faced with these contradictory demands are we to choose one, or to try to

compromise? Which one to take? Which conciliation to make? This is the problem that must be resolved. We will now see how it has been solved in various ways. In the following lines and up to the end of the chapter, we propose to demonstrate how the Qur'anic solution can be considered as an impartial conciliation to all parties concerned, whereas ordinary doctrines have varying tendencies to opt only for one or the other of the two opposing terms. We will reserve the first of these two assertions for the latter paragraph, which will be assigned to the conclusion and proceed with the second, underlining the difficulties encountered by two current theories which are typical of two extreme views, one representing the intransigent authority of universal duty, the other defending the originality of psychological factors over the invariability of logic: the theories of Kant and Rauh.

### *Kant*

It is known that, in order to resist certain doctrines which had softened ethics too much, accommodating them to the demands of worldly life, the German philosopher was not content to trace a line of demarcation between morality and feelings. He went further – too far. According to him, the concept of duty is not only isolated from any experience of the senses or concrete reality to which it may be applied, but it is also purged of its own characteristic, of the constitutive content of any particular rule, in order to conserve only its formal characteristic, that of being a universal law, valid for everyone. It is from this that he takes his definition of duty: any action whose rule can be made universal without becoming absurd. From such an abstract formula, Kant thought he could deduce a 'deontology' of ethics, to use Bentham's words; that is, a science of concrete duties, which specifies for each duty whether it is moral or immoral, just by considering whether or not it can be made universal. Is such an undertaking achievable? Is the very foundation of this construction solid enough to support it? Here, from the point of view with which we are concerned, is Kantian thought. It may be said that, overall, it constitutes three stages in its elaboration:

- a) the establishment of the initial act;
- b) an analysis allowing an ascent to the most general principle;
- c) descending again to set out the fundamental rules for human ethics.

a) The starting point of the Kantian doctrine consists of the concrete act that is supplied by the immediate conscience, which is to say that, in our moral judgements, we evaluate actions not in virtue of their results, be they pleasant or unpleasant, but in relation to the idea of a general rule, applicable to all subjects and independent of any consequences. This fact is undeniable. Far from establishing the pursuit of pleasure and the avoidance of suffering as a principle of moral evaluation, we value virtuous actions according to their

cost to ourselves. We praise to the highest degree the strength of character of those who know how to resist all temptations and how to overcome all obstacles. Far from giving ourselves the right to subordinate the rule of our own behaviour to our ephemeral, subjective moods, we acknowledge that we must measure it by that which we demand of others. 'Whatever you wish people to do for you, do the same for them.' This is what the Holy Scriptures enjoin us to do.<sup>109</sup> And the Qur'an insists:

*Do not give away the bad things that you yourself would only accept with your eyes closed.* 2:267

The Prophet of Islam goes so far as to make this egalitarian love the very condition of faith. 'Nobody can call himself a believer if he does not like for his brother that which he likes for himself.'<sup>110</sup> From this unanimous condemnation of selfishness in all its forms, the conscience of the ordinary person has already taken the principle of the universality and reciprocity of duty.

Thus, from the beginning, Kant only took note of this law, establishing it as an act of the conscience. Although he himself has shown how such antique statements are insufficient for providing a full ethical system,<sup>111</sup> it is, however, the idea they inspired that nevertheless constitutes his entire system. Indeed, he refers to the judgement of 'the most ordinary mind' in order to establish his essential rule of judgement – subject to the laws of practical pure reason, a rule which he formulates as follows: 'Ask yourself that if the action that you intend to do happens according to a natural law of which you make yourself a part, do you still consider it possible for you to will it?' 'For instance,' he continues, 'everyone knows very well that if one person were to permit himself to cheat in secret, that would be no reason for everyone else to do the same; that if he were to be completely indifferent to the misery of others, it would not mean that everyone should feel the same towards him.'<sup>112</sup>

b) Where does this implacable demand for an ideal action which is not modelled on any experience come from? The founder of practical formalism explains that it arises because moral law transports us in an ideal fashion to a sphere which is completely different from that of empirical law. It allows us to participate in a pure, intelligible world, wherein the autonomy of the will consists not only in its being independent of the natural law of the senses, which is only a negative aspect of freedom, but also in the fact that the will gives itself its own law. This law must be that of pure reason, which is not only free of every empirical condition, every intuition and every substance, but also capable of determining the will *a priori*; for pure reason is so constituted that, in its practical as well as in its theoretical usage, it is 'one and the same reason which judges according to *a priori* principles'.<sup>113</sup> Now, there is nothing but the pure form of universal legislation which is capable of determining the will *a priori*. This is why every pronouncement must adapt itself to this form, at the risk of being morally impossible.

Therefore, not only is this universality similar to that of natural law, by which an ordinary judgement must guide itself like a principle that is typical of pure reason, but it is an absolute universality applicable to all reasonable beings, finite and infinite, with its foundation upon an apodictic judgement, that is to say necessary and *a priori*, of pure reason. Kant states this fundamental law of pure practical reason thus: 'Act in such a way that the principle determining your will can also be valued as a principle of universal legislation.'<sup>114</sup> Even this still has the appearance of the 'trivial' reason which Kant wished to transcend.

c) Once the pinnacle of abstraction has been reached, with the most general formulation imaginable, we may excuse ourselves from describing the slope down which one must descend in order to discover how this general law applies to human nature.

Let us now make this journey again in its three successive stages in order to examine its merits.

a) First we ask if there really exists a necessary connection between *universality* and *morality*? Is it true that the necessary and sufficient condition for attributing a moral characteristic to a rule is that it should have the potential to become a universal law? Is it also true that 'if a rule does not generally withstand the test of the form of a natural law, it is morally impossible'?<sup>115</sup> If one is to believe our author, this double criterion contains 'the canon which allows us to evaluate our actions in general'<sup>116</sup> and the means of self-instruction which is 'the quickest, since it is infallible'.<sup>117</sup> 'With this pair of compasses in hand, one has, in every case that arises, all the means necessary to distinguish between that which is good and that which is bad, that which conforms to and that which is contrary to duty.'<sup>118</sup> It does not require too much discernment to see how much the first part of this criterion brings extremely diverse values together within the same concept, from duty to that which is completely the opposite, including actions which are either neutral or doubtful. Indeed, with the exception of certain kinds of behaviour which man would not find acceptable if done in return to him, everything else must seem to him to constitute faultless behaviour, whose rules can be converted into a universal law, commencing with the rule that the decent man makes for himself as a part of his daily life: to follow his innocent inclinations, which is to say those whose satisfaction is clearly permissible. In this way, the act which is morally good and the act which is neutral become indistinguishable within the concept of 'a possible universal law', and duty is brought down to the level of that which is simply allowed, because it is one thing to say that a law *must* be made universal, but another to say that a law can be so. The Kantian formulation, like the 'vulgar' statement to which it appeals, is incapable of providing the difference between an *obligatory* act and one that is *not forbidden*. However, it is known with what care Kant distinguished two categories of rules concerning duty (for instance, doing good to others): one which merely commands conformity to duty (for whatever

reason: a kind personality, vanity or self-interest), and one which also demands that it be determined by the idea of duty. Now it is clear that the criterion of 'possible', even 'necessary', universality does not take into account such an extremely important distinction, which leads to a second confusion: between *morality* and *legality*. The most unfortunate confusion is that which his so-called 'touchstone' may introduce in the individual conscience, by granting it *the right to declare any action morally good which it willingly elevates to the universal*, even if it were the most reprehensible, either according to common wisdom or at least according to Kantian wisdom itself. If we examine the feelings of those who make fairly serious derogations to moral law (such as a doctor who lies to a patient in order to bring him back to health, a philanthropist who tells a white lie to save a life, or the sensitive man who prefers to commit suicide rather than to live with dishonour), do they not give their rules the value of a universal law, before they are applied to anyone placed in the same conditions as themselves? Well! Would a cynic who indulges in the basest debauchery find any objection if everybody followed his example? Are there not others who would establish nudism and all its immoral consequences as a universal law?

Conversely, it is the rules which cannot be elevated to the universal without contradicting themselves, or compromising human nature, which nevertheless we cannot accuse of immorality. Suppose a man makes it a rule to attain a stage of moral perfection that nobody has reached before. Not only would such an idea be completely destroyed if it were universalised, but also if it were even just slightly extended, for then a higher stage would no longer be a higher stage. Is this a reason for qualifying the rule as immoral? Here is another example: someone who is celibate. Let one whole generation enforce the obligation not to marry and the last living person of this generation will inevitably spell the end of humanity. Can one declare the rule of celibacy, so praised in Christianity, to be a crime? What would Kant himself have thought? The parallelism of the universal and the moral is broken, both in its positive and negative aspects. However, it does remain true, at least, that there exists a certain necessary relationship between the obligatory and the universal, a unilateral relation, the meaning and import of which we shall explain later.

b) Kant does not limit himself to establishing the universality of our duties as a concrete, empirical and contingent fact. Nor is he content with a semi-abstraction that makes human reason a faculty of the universal. Rather, he goes still higher, to capture the very essence of practical reason itself and he presents this fundamental law of pure reason as an inflexible necessity, not of any particular rule 'determined for certain actions', but of a universal law in general.<sup>119</sup> He asserts that moral law must be in the form of a law in general, in the most abstract universality, and not in any other form, if duty is not to be a 'chimerical concept'. Kant states that he was not led to his formalism by any philosophical need for abstraction or by any imitation of Aristotle's logical formalism, but by moral considerations of the highest importance, by the very

logic of morality, because, he says, if the moral value of the action does not reside in the results expected, or in its affinity with our inclinations, but in its relationship with the law; and if elsewhere this law is an *a priori* fact of reason, of this faculty which is autonomous and independent of the faculty of the senses, one must set aside both empiricism, which sees good consisting in useful consequences, and mysticism, which wanders in the transcendent, and keep to rationalism, which alone is appropriate for moral concepts.<sup>120</sup> We can agree with him so far. Now, he adds, since I have deprived the will of all impulses and results, there only remains universal conformity with the law in general,<sup>121</sup> which alone must serve as the guiding principle. In other words, if matter, which is the object of the will, were a determining principle, the will would be subject to an empirical condition, 'whereas, by removing all matter through the process of abstraction, only form remains'.<sup>122</sup>

In our opinion, here lies the equivocation and lack of rigour by which this argument has left a gap between the premises and the conclusion; for, when one has removed impulses from the senses, and other pragmatic considerations, one has not exhausted all the possible ways to reach pure form. Can there not be seen *a middle ground between the matter rejected and the form that has been chosen*? It is neither matter as 'object of desire', subordinated to personal experience, which is variable for everyone, nor form, which is entirely empty and devoid of all content; instead, it is a thinkable concept, an object of understanding, acknowledged *a priori*, imposing itself upon everyone through the representation of its intrinsic value. Would this not have escaped the evils of empiricism while preventing itself from becoming lost in formalism?

By a sort of logical need, it is true, we impose a universal form on all our rules, in order to make them pass for moral laws. We cannot accept that an action should be obligatory for some and not for others placed in similar circumstances. It offends reason; but this necessary link between matter and form is only one aspect: *every duty is universal, but the opposite is not true*. This is because, in order to establish this relationship, moral judgement begins by perceiving within the action a value in itself which through its internal logic tends to expand; a value of a particular nature, both practicable and accessible to all individuals. Any way of behaving which does not fulfil this dual condition cannot be a moral law. It is what it is, except for a duty; but it is not necessarily a crime; it may be an optional action (such as celibacy), or the most meritorious action (the sublime heroism of a superman). Just because divine virtue is the highest moral value that does not mean that it is a universal law for all reasonable beings. If this is so – that is to say, if not all values have the ability to take the form of a universal law, and we have to choose from among them the one whose very nature demands this universality – all the more reason that the only logical possibility for any rule to fit this abstract formula is far from providing us with the criterion of moral good. The consideration of a law's *universality* hardly precludes any consideration of its *legitimacy*. Now we maintain that, if, in order to decide whether a rule is legitimate, one were

content to consider the pure idea of law in general, without examining its content and meaning, it would be impossible to establish that one practice were moral and another were not, the virtue any more than the vice. Kant acknowledges that something which can be used for good or evil is not good absolutely. Is this not very much the case with formalism? The universal form is only a mould in which one can bake either a cake or a brick.

The great paradox of the Kantian doctrine is that it holds something which is only derivative as a principal characteristic. For Kant, it is the formal law which is the foundation of good, rather than good which serves as its foundation. This position, which is the opposite of that of the Qur'an, as we have seen, is determined in Kant's thought by the very same paralogism which we have just rejected. 'If the concept of good is not derived from an anterior law', he tells us, 'but serves as its foundation, then it can only be the concept of something to be desired.'<sup>123</sup> We believe that, on the contrary, it is not because a law is universal that it can be judged as moral. It is because it is established as just that it must be universalised. Why do we seek universal peace, if it is not because we think that it is necessary for the happy development, for the very existence, of humanity? Suppose, instead, that the weakest must disappear in order to leave space for the fittest: our rule will change instantly, and then the only advice that a moralist should give us is to engage in universal war. Universality only translates in extensive terms that which is first given in the form of a comprehensive essence. In the moral order, as in the order of logic, necessity is the justification for universality, which must, therefore, precede it in the jurist's mind; and moral necessity proceeds from an internal value, not from an external form.

This reversed conception of the relationship between virtue and the law is merely the transposition onto a metaphysical plane of the doctrine of theological voluntarism, according to which God does not command something because it is intrinsically just; that which He ordains is just only because He has ordained it. It is only a change in vocabulary. Where theologians say: God's supreme command, Kant says: the categorical imperative of pure reason. There is this difference, however: the theologians who support this view have a guarantee in divine perfection against unjust commands. What guarantee do we have with this abstract concept of transcendental reason, unless it is identified with divine reason?

Do not mistake our thinking. We do discern several aspects within Kantian formalism, since the law of pure reason serves many uses: it is both an objective principle which determines an action and its objects (both good and evil), and a subjective principle (a motivation) which compels the will to obey.<sup>124</sup> We have no difficulty with this last point; on the contrary, we acknowledge that the pure form of the law is perfectly capable of acting on moral conscience. *To perform one's duty because it is a duty, without being concerned about the moral good at which it aims: such is the definition of an absolutely devoted will.* We shall show later<sup>125</sup> that this is the ideal of Qur'anic ethics. You

do not ask the doctor whom you trust why he prescribes what he does; any discussion here would be akin to suspicion. Is it the same when it is a matter, not of *acting* but of *judging, evaluating, or prescribing*? Can the external form of a law in general act as a principle of legislation on good and evil? To say that the sole idea of a universal obligation is enough to inform us exactly about the best ways of behaving – this is beyond us. A reason which commands us to obey a law is arbitrary and tyrannical. It is not reasonable if it does not presuppose perfect harmony between that law and the ideal of justice. Kant has thus confused and treated in the same way two very separate aspects of moral conscience: 1. *the moment where it is still a matter of instituting the law*; 2. *that where it concerns the execution of a law that is already established*. In other words, obligation and intention, *ethics* and *morality*.

c) Universal duty! We agree with it; but we still have to distinguish several different degrees of universality. There are as many concepts as there is extension: paternal, maternal, marital and filial duty; the duties of a leader, a friend, a citizen, a person; the duty to act, the duty to think, the duty to love. Can one legitimately grant all these terms the same influence over every subject and every object, in such a way as to make them drop their respective barriers and overlap one another? Are we authorised to tell a leader to treat his superiors in the same way as his subordinates, or a husband to treat every woman in the world as his own wife, and vice versa? Beyond its limits, every duty ceases to be a duty and may even become a crime. Thus, it always concerns a relative universal, the extension of which can only be defined by the function of the nature of its constitutive elements and from the entire range of appropriate conditions. Dividing duties and defining them is the essential work of a proper moralist. The question is how to proceed. Starting from the absolute can one arrive at the relative without any extraneous borrowing? How can one determine – with the outline of a picture – the colours and all the details that the artist puts in? How can a pure grammarian explain the meaning of the essence of a discourse and the nuances of style? To want to turn ethics into mathematics, into even more than mathematics – what a paradox! It is impossible to deduce all geometrical theorems from a single principle; how can one succeed any better in the science of behaviour?

Thus, for lack of a rigorous deduction, which is impossible in this case; rather, with Kant, we witness quite an ingenious reconciliation between form and matter, a kind of adaptation whose aim is to justify, on the one hand, the same rules of common morality, having detached them from their religious or metaphysical roots, and on the other, certain personal views which he adopts on the subject of the virtuous life. We do not dispute that sincere consciences can come together, in the Kantian manner, to examine the moral ideal. If, however, we examine some of these derivative rules in their relationship with his prime principle, they appear to us either to be *devoid of a necessary link*, or *in poor agreement* with it.



*Devoid of a necessary link:* this is the rule which prescribes respect for humanity, for others as for ourselves, treating the human being as an end in himself. One may ask why pure reason, absolute and autonomous mistress as she is, feels this necessity to respect something other than herself. Is it reasonable to consider as an end that which is only partially so: this mixed nature, made of matter and spirit, more fundamentally sensual than rational? This point does not seem to have entirely escaped the Kantian mind; and it is probably why he restricted his rule to demanding that the human being be treated, not uniquely, but 'at the same time' as an end. Unfortunately, this intellectual rigour did not slacken until he came to the definition of practical duty, in this respect. The logic of the duality of human nature would have had to establish a distinction not only between being a person and an individual, between that which we have in common and that which belongs to each human being, but also between the rights of reason and the needs of the body. Kant agrees with everyone else that human beings have the right to personal safety, and the strict duty not to violate someone else's body, or their possessions; he forbids slavery and servitude in all its forms. The effort of refining his thinking was not made in order to utter banalities which are too great to fit his principle. Can there not be seen here something more in the conclusion than in the premises? If respect can and must extend to man's sensible element, why deny it to him in other aspects? Why is it permitted to treat animals as objects, domesticating them and killing them without scruple? Other considerations that are irrelevant to pure logic must without doubt have been present in Kant's mind for him to have integrated this unbalanced process into his conclusions, sometimes in order to expand them, or sometimes to restrict them.

*In poor agreement* with the principle, such as when he forbids us to allow anyone to encroach upon our rights. Either the words have lost their meaning, or a *right* such as it is does not constitute a *duty* towards the one who possesses it, but towards others. If it is truly my right, then I am free to insist on it or to delegate it to whomsoever I wish. Of course, through a kind of division of the *self*, as an individual *subject*, I have to defend my right insofar as I am a *human being*, insofar as I am the trustee of this sacred principle of humanity, but besides the duty of justice, there is that of charity. Should it not also be applied universally? Charity implies, with all the more reason, forgiveness and tolerance; on that account, in commanding us to love our enemies, Christian ethics was much more faithful to the principle of universal duty than Kantian ethics.

We witness here a tacit acknowledgement that universality cannot be granted to one duty without destroying that of an opposing duty. Actually, the unconditional, categorical imperative cannot be conceived strictly according to the word, which is to say in an absolute fashion, unlimited either by experience or by understanding, unless it is accepted as a unique duty. Since there is, and there must be, a plurality of duties, two cases are possible: either

both imperatives will agree, without violating each other, or each one can extend not only to neutralise, but also to oppose the other.

In the first case, there is no practical difficulty. For instance, we must not lie and we must not kill: two duties which are perfectly compatible and can always go together. Certainly, it is not necessary that they are always imposed simultaneously, one concerning words, the other concerning deeds; but the limits assigned to each of them are not imposed upon them from the outside, but by their very content and the analysis of their own particular concepts, a task which is suitable for the exercise of human understanding, independently of any empirical element. It is in the case of conflicting duties that the most serious difficulties arise. Here are some examples: we have to tell the truth and be polite towards others; what are we to do when speaking the hard truth would be hurtful? I must keep my word, but what happens if I discover that the help I had promised would be given at the expense of a blatant injustice? I must not lie and it is also forbidden for me to abandon a soul I could save; what am I to do when the truth exposes a third person who is innocent? If I tell the truth in such a case, at the cost of someone's life, is it a praiseworthy, honourable action, or one of blameworthy selfishness? If I permit myself to lie in order to save a human life, do I have contempt for myself or do I sacrifice myself? If I attempt a compromise by using an equivocal expression, do I promote virtue, or, on the contrary, compromise it, since I would intend to allow the aggressor to believe the wrong meaning, and thus while avoiding the letter of the lie, I would keep to its spirit.

The situation can clearly be seen. Here, a generalisation of two imperatives, even if it is conceptual, inevitably leads to their mutual infringement, contradiction and annihilation. From this comes the absolute necessity of narrowing the field of application for one of them, in order to allow space for the other. But which one? Are we allowed to privilege one over the other, arbitrarily? How do we confer upon them the equal right to existence without beginning to grant them equal value? Now, it is not unacceptable to give equal status to the indispensable, the necessary and the superfluous, or to what is the most urgent and the least, or existence and perfection. The task of the moralist does not come to an end when he has drawn up a list of duties; he still has to establish a hierarchy of values. And even supposing this order is established, it will never remain definitive, since it is essentially relative; because that which is indispensable in one case may become secondary in another, or even superfluous in a third. Thus, when danger threatens, the most precious goods are sacrificed to save a life, but life is sacrificed to save honour.

It is in connection with actual reality that the value most worthy to be chosen is defined; it is *in nature* that one can trace with precision a line of demarcation between different duties, a line which is unstable and always subject to modification. In this way, in order to determine the duty of a given moment, the last word will be reserved for each person's own judgement, maybe even to what is called their *sixth sense*.

We now see how the Kantian doctrine is left behind on two counts, and with that we are transported to the other side of the argument.

### *Rauh*

With regard to the opposite extremes to the Kantian doctrine, which attributes all legislative power to transcendental reason, other doctrines have upheld the cause of the freedom of the empirical self. This opposition finds its most striking, indeed its most repulsive expression, in Guyau or Nietzsche, who have respectively reduced morality to a feeling for beauty or a living will. From this latter point of view, moral value does not exist already in the order of eternal things; it is a human creation through which man goes beyond himself to become the superman.

Without pushing this revolutionary idea to its limit, which tends to remove completely the idea of obligation and with that, ethics itself; and whilst acknowledging the transcendence of the idea of duty in relation to the individual, the French philosopher, Frederic Rauh, meanwhile posited that each individual was the author of their own rules.<sup>126</sup> One can say, without fear of being paradoxical, that, despite the distance that separates them, this thought meets – even coincides in a certain measure – with that of Kant. They only retain the notion of duty in a general sense, which does not include particular commands. However, after this coinciding starting point, the two views immediately begin to diverge. Whereas the German philosopher glides through the sky of logic, only gradually descending towards concrete reality, and even then with great reserve, the author of *Expérience morale* rushes hurriedly towards the psychological realm. We have seen how, departing from the idea that it is the essence of any good which is of value for all wills, Kant had tried to create commands from this abstract principle that were less abstract, and from these a few rules that were still more concrete. Having discovered these commands, he encapsulated them forever within a rigid and immobile framework, isolated from each other, like Leibnitzian monads. The problem of conflicting duties never arose for him, since everything passed before his eyes as if each action had to be determined by one and only one rule.

Rauh was more correct when he declared that no abstract rule is able to rule concrete reality by itself, in the same way that it is impossible to determine a point on a map without referring to several other points, or to explain a word in a text without taking the context into account; in the same way that the art of medicine cannot guarantee the efficacy of a medicine without taking into account the sick person's state and the course of the illness; or in the same way that the moralist cannot remove human behaviour which is essentially spatio-temporal from the effects of space and time. Our action is a real creation which is destined to take place in the real world. Therefore, it is not enough for it to be logically possible; it must be practically demonstrable; it must find its place amid the facts which surround it, in such a way that it is neither hindered by the events which

precede it, nor negated by those which follow it. Thus, before we make any decision, we have no option but to inform ourselves of its objective reality, not only in the course of its present development but also in its history and its future. And that is not all: it is also necessary to take into account, at the same time, the diversity of mental factors which determine our reaction to nature. In multiplying one series of factors by the other, the result which we obtain for each new case is always an original product. Add the irreversibility of time and you come to the unequivocal conclusion that two moments in history can never be identical. This demonstrates the *relative character* of the ethical life.

However, our philosopher, who knew how to avoid the Kantian error, was not able to prevent himself from falling into the reverse trap. According to his way of teaching ethics, everything happens as if the dissimilarity of two moments in life excluded their resemblance and did not allow anything in common between them; as if, besides the individual element, there was no place for a generic element; as if, behind everything that happens, nothing was nothing enduring. This is why he invites us to concentrate our attention on the temporary; he overtly encourages us to free ourselves from principles and ideals. Instead of submitting to them, we should ceaselessly put them to the test.<sup>127</sup> Hence, not only must everyone legislate on his own duty according to his temperament, vocation and aspirations, but each person must constantly call his own rules into question, at every moment demolishing whatever they have only just built the previous moment. Do we not risk caprice and arbitrariness when we abandon ourselves to such an anarchic life? But this is not the most important point: we must question ourselves about the very principle that experience has the power to guide the conscience. Experience prefers facts, whereas conscience *feeds on values*. By what sort of magical operation can we turn facts into values? Rauh himself acknowledges that a value judgement can never be made from a simple judgement of reality, no matter in what form this reality is presented, whether objective or subjective, simple or complex, in the past, present or future.

Concerning the past and present, all that we can gather from our experimental inquiry can be summed up in the simple observation that a particular act has always been followed by a particular result. We record the fact, we take action upon it, nothing else. No doubt, when we judge whether the effect was good or evil, we are inclined, even well-placed to judge the same about the action which has caused it. But what actually enables us to judge the effect? If our experience results in an appreciative judgement, if it 'emerges', then it is not the origin of this judgement, but only the circumstance. Its having happened does not mean that it should please or displease us. Even if there is a natural relationship between the two judgements it is still necessary to make an important distinction here: our estimative judgement itself is an assessable reality, a mental fact which arises out of experience, since it falls within the category of internal observation.

However, the object of this judgement is a value, which by definition escapes any experience and is infinitely beyond it. Experience only attempts to approach it step by step, with the strange feeling that it is both recognisable and indefinable. Value belongs to the order of the absolute; it is not inscribed in the temporal, even if the latter seems to suggest it. It is not there, then, that we decipher it.

The part played by experience is even smaller with regard to the future, which is the only domain of the moral act (not being of the order of that which is, but of that which must be, since it is impossible to decide to do something in the past, or even at the very moment where a decision is being made). Firstly, it is hardly worth recalling that it is not experience as such which entitles me to conclude that, if things have happened in a certain way up to now, they will happen tomorrow and for always in the same way. This induction is logically based upon our belief in the stability of nature. Such is the case too with the law of high numbers, which must postulate the non-intervention of new causes likely to disrupt the average rate of our calculations. Finally, with all my experimental knowledge and its appertaining postulates, what do I achieve? I learn of the practical possibility (or impossibility) of achieving an objective, or of the degree of probability of success. What will tell me if that which I plan is worthy of my research? And when faced with several possibilities, what is going to make me decide to select a particular one from among them, which might be the least favoured by human nature? It is all too obvious that the preference we give to a certain direction in our activity, to the exclusion of all others, arises not from reality, but from an ideal. So, if this ideal is only an emanation of our empirical inconstant self; if it is only an attribute of our effective or virtual feelings, it too becomes a transitory attribute, an instantaneous phenomenon. How can it claim the right to rule an act that is about to happen, when it might itself be no more when the act is about to begin? Thus one thing arises out of two: either our will can content itself with an ideal which coincides with the act, which is born and dies with it, like the will of impulsive or insane people, or, on the contrary, it will demand of it its rights, through which the ideal will be imposed upon it, for the future as well as the immediate present, which means that it will demand it to have some stability before allowing it the right to rule over it. Then we will no longer be in the realm of the empirical self and pure experience, since a *stable ideal* is the very definition of *moral law*. A law is never a product of experience, but an object of demonstration, or of faith. 'Experience' which makes authority 'moral': is this not a contradiction in terms?

### Conclusion

It has now been demonstrated with clear evidence that both doctrines only retain one aspect of moral truth. Their common mistake is more in their exclusivism and their reciprocal negation than in their positive position.

So, that which happened to the theory of knowledge has now happened to practical philosophy. *Idealism* or *realism*, *rationalism* or *empiricism*, and so many other philosophical schools of thought, are only in opposition because each has insisted on one necessary condition of human knowledge, holding it to be the sufficient condition and total cause, when it is only one element among many others. On one hand, neither logical concept, nor scientific law, nor the sum total of all known concepts and laws, can ever meet and define the concrete object completely, which is the point at which they come together, but which is infinitely beyond them. On the other hand, any real object will remain completely irrelevant and inaccessible to us if it is not subsumed into the forms and laws of our mind. In other words, if prime principles and general laws exempted us absolutely from confronting them with reality; if reality had nothing more, offered us no new aspect, the world would become undifferentiated, indiscernible; it would be without life, without history or dimensions. If, conversely, there were no acquired truth and established law, the mind would cease to be itself: it would lose its structural unity, disintegrate and would have no hold on human nature. In the same way, from a practical point of view, if a scientist always had to start everything again from the beginning, no progress would be possible, and the edifice of truth would never be built. It is when idea and object, form and matter, hypothesis and experience, come together, that the spark of true knowledge ignites.

And so it is with morality. Neither the abstract formulation of a general rule, nor the painstaking analysis of a particular situation, made separately from one another, would ever be enough to guide our will. As we saw earlier, it is the synthesis of a universal ideal coming from above and an actual reality, which is only a means of clarification, that provide an excellent guide for our conscience. Like a hyphen between the ideal and the real, between the absolute and the relative, the human conscience must always bring these two terms together, by establishing such an agreement between them that the act which is born from their happy marriage is imbued with these two characteristics: it represents both the *stability of eternal law* and the *novelty of artistic creation*.

Is this not the very conception of obligation such as it is defined in the precepts of the Qur'an?

*be mindful of Allāh, as much as you can.*

64:16

Can we not immediately see the characteristic feature which distinguishes this formulation from the others? It does not say: *do what seems good to you*, according to the inspiration of the moment; it is not that of a *rigid tyrannical duty* which does not admit of *exception or modification*. It is neither the one nor the other; yet it responds to both of their deep tendencies. In these concise and lucid terms, the Qur'an invites us to turn our eyes towards heaven, whilst

supporting us with the solid foundations of reality. In this way the two ends of the chain are linked: ascension towards the ideal, while safeguarding human nature; *submission to the law and freedom of the self*.

But, you say, can this be possible? Won't these two opposing terms clash together again? From the moment that each individual is allowed to determine his duty in relation to his particular situation, is he not also allowed to relate it to his most capricious notions and undermine the authority of the commandment?

Not at all. For the conscience which the Qur'an addresses is not the empty, brute conscience which has been left without any other guidance than its primitive instinct, as attributed by Rousseau to his natural man; nor is it the conscience of a fictional self, like Kant's transcendental self. It is a conscience which joins together two conditions that are absent from others. Firstly, it is enlightened by a positive teaching wherein duties are clearly defined and ranked. It is, furthermore, confronted with a living reality which is greatly venerated. In other words, it is the *conscience of a believer*. Now the characteristic of this conscience is that it contains within itself the personality of its legislator, who is always ready to be consulted. It cannot, therefore, surrender itself to considerations which it recognises to be illegitimate in the eyes of the author of the law, without betraying itself.

Here is an example: God says to me: 'Do this unless you cannot; do not do this unless you are compelled by necessity'; and He also warns me against secret yearnings which might tempt me to transgress the commandment, on the pretext of false necessity.<sup>128</sup> In these circumstances, can I justify myself by considering a little disturbance to be an obstacle, or some mild intimidation to be a force of necessity, when I know that it is not what God meant by these words?

Of course, God does not always respond to me explicitly in doubtful cases; He may not even suggest the same positive or negative solution to all of us. There will always be opportunities for me to commit an error of interpretation or of definition. This eventuality is a natural consequence of my human condition and of the freedom granted to me by this very condition. In a doubtful case, what is essential for me, as a believer, is to strive to discern and follow faithfully what might be God's recommendation, considering the entirety of all His rules. If my solution is wrong, then I shall not be held guilty if I have made the necessary effort, which is my own, to enlighten myself.<sup>129</sup>

That in doubtful cases everyone is obliged to refer to his own conscience and abide by its response is what the Prophet, inspired by the Qur'an,<sup>130</sup> told us in his famous words, some of which are as follows: 'The purely licit and the purely illicit have been made clear; but between the two are unclear cases. He who restrains himself when in doubt has saved his faith and honour.'<sup>131</sup> 'Avoid that which throws you into doubt; choose that which does not trouble you; truth is peace; falsehood leads to suspicion.'<sup>132</sup> When asked to give a definition of good and evil, the Prophet answered: 'Ask your heart, consult your

conscience; good is what gives peace to the soul and the heart; evil is that which troubles the soul and makes the heart palpitate, whatever men may say and whatever they may offer you.”<sup>133</sup>

But, you object, apart from such doubtful cases, which are relatively rare, if the law has determined everything, the individual conscience will not have any part left to play in the institution of duty. We would say that is true if a rule were never able to direct all the individuals that it governs, to plan for each individual all the cases which it has to solve, and for every case to provide a concrete image of the unanimous verdict that agrees with the other rules. In other words, it would be true if there were only *one way of understanding* a rule, one single way of *applying* it and of bringing it in *agreement* with the others. It is not any of these points of view.

Even if we suppose that the first point is resolved, we will easily see that the most precise rule that one can formulate inevitably comprises some undetermined aspect. Between the undetermined and the determined there lies a whole gamut of options, not only for the free choice of a psychological conscience, but also for the intelligent evaluation of the moral conscience, since the distinctive features of any singular act are neither all to be ignored nor all to be considered; most of the time they have both characteristics, either in succession according to the case, or simultaneously, according to the point of view at which one is placed. It therefore requires *an individual effort* and a *special tact* to *appreciate* them for their proper value and to *choose* those which are the most essential.

Far from constituting a privilege reserved only for specialists capable of being jurists, the recourse to individual effort, to ensure that one's duty is in conformity with the objective reality, is a *universal duty*, incumbent upon the most ignorant man, as well as the most competent. It becomes necessary as soon as a moral concept is transformed into a moral action. Just as a magistrate must verify for every case that he examines whether it really is a case anticipated by the formula of a certain law or a certain system of laws, so each one of us is obliged to judge for ourselves whether the action we intend to carry out satisfies the requirements of the rule.<sup>134</sup> For example, let us take the moral rule which commands us to provide for the needs of orphans. This rule does not indicate to us the weight, measure, kind, or quality of care deemed sufficient and suitable for every circumstance. In the same way, the ritual rule which commands the faithful to turn towards a particular direction to pray does not instruct us to mark out an arrow indicating the right direction every time we travel. The juridical rule that prescribes that a judge can only allow as witnesses people who are honest and just does not inform him of a person's righteousness and sincerity. This indetermination, this inevitable silence of a rule, this distance between concept and reality, is the most eloquent solicitation addressed to our conscience to continue the legislative work which the law has started. We must even pursue this work until all ambiguity is removed, in such a way



that everyone can say: this is my duty with this specific action and not any other. It is therefore at the point where the task determined by the law ends, and with that the constraint of its authority, that the task of the individual in the exercise of his liberty begins. We can even go further. If we place ourselves at the actual point of view from which it was determined, we must acknowledge that a rule is never made in order to shackle our freedom, but somehow to increase it. Instead of allowing our thoughts to be scattered across all the possible meanings in the search for wise rulings, the advantage of having an established rule is firstly to spare us from *stumbling* and thus diminishing the *chance of making an error*. Moreover, the very fact that it provides a framework for our activity only increases it in power and effectiveness, not unlike a stream which is dug up and its banks strengthened. What our freedom might have lost in extension, it gains in depth, in the search for the best ways of performing a duty.

But there is not just *one* duty. Besides the complexity and the perpetual changing of the conditions of life, there is the multiplicity and *interaction* of moral precepts. It is precisely in the confrontation between these two fields that the most extensive terrain opens up to our freedom. To prove this point, let us borrow one example from the rules of a game.

We know that in the game of chess, for example, the progression of each piece is simple and follows a strictly defined rule. Can it be said, however, that the strictness of the rule paralyses the freedom of the player? On the contrary, it is well known that any chess player can produce an infinite number of moves, to such a degree that no two games are identical. The most interesting aspect of this comparison is that each player's originality consists much less in his way of applying the rule to move a piece, than in the way in which he commands the strikes, co-ordinates the moves and combines forces. This is where the genius of a player is revealed, in the intuition by which he discovers in a labyrinth the shortest, safest route to the exit.

Something analogous happens in the moral order: among the tasks that I am called to fulfil, there are those which are prescribed for me to do daily, others which are periodic or circumstantial, others for which the occasion might arise only once in a lifetime. My body, my mind, my family, my homeland, each of my attachments requires an action determined by a rule. However, when I get up in the morning, I can organise a timetable of tasks in different ways and set out the itinerary in order to put them into action. During the given lapse of time, I can integrate a various number of good works, perform one to a higher degree of perfection than the others, accomplish one as early or as late as possible, content myself with ordinary forms of doing good or strive to create something new, of greater value. It is not just one single gesture which must be considered as a quite ingenious synthesis of numerous duties. In such a way, everyone may freely compose an *original page* of their moral life, whilst respecting the *general rules* of this human art. How could anyone demand more freedom, with the intention of

breaking this framework, without aspiring to perversity or madness? This is what any legislative wisdom worthy of its name must spare us, by sketching out the outlines of our behaviour. What it must not do – or else it risks violating our natural right and reducing us to servile, mechanical obedience – is interfere in the detail of our *oeuvres*, which by nature we wish to construct, each one as he pleases.

The part which we are to play in legislating on our obligations is from then on well defined. The *rules of the law* are not created by us; we have them already made, implicitly or explicitly, by our Legislator. We *construct* the definition of our *concrete duties* from these ideals to the extent of our capability. Such is the reasonable and conciliatory position of moral obligation which the Qur'an takes. It situates man in his right place and in conditions which suit him exactly, between nature and pure spirit. When Bergson thought that he had found two types of ethics, one of *obligation*, the other of *creation*, he was only artificially separating two indissoluble elements of the one and same reality. True morality is neither pure *submission*, nor absolute *invention*; it is *both together*. It is not the attitude of a *slave* or of an absolute *master*, but that of a *citizen*, participating in some way in the authority of the law, by the choice and initiative which are his rights.

Who could add or subtract something from this, without finding excess or deficiency? Until now, we have only established a kind of compromise between the *legislator* and the *acting person*, in virtue of which each one of them supplies one part of the definition of concrete duty. The subject's participation in legislative power appears to be a kind of *co-operation* based upon the *division of work*; a kind of co-operation where two actions complete each other without any violation, and the two collaborators remain separate from each other, only meeting half-way. In reality, it is greater and better than that. On one hand, by adhering to the sacred law, our *conscience* assimilates it, upholds it, makes it its *own*, as if it participated in the creation of eternal truths. On the other hand, when we synthesise different established rules, adjusting them to our situation, we do not do so in the absence of a master, but under his patronage, his *care* and *control*. We are always inspired by him, as if he still continued within us his role as legislator, down to the minutest detail. From this one can say that here, between the agent and author of the law, there is not only *collaboration*, but *union*. One could say a *fusion* of two wills.

Which is it, among the earthly philosophies, that has been able to achieve such an intimate reconciliation between demands that are so diametrically opposed? In our opinion, only a system of religious ethics is capable of that task, and it is precisely that which has been so eminently achieved in Qur'anic ethics.



## RESPONSIBILITY

Two corollaries follow from the notion of obligation, one requiring the other, the first being the support, the other the foundation. These are the ideas of *responsibility* and *sanction*. These three ideas are interdependent and inseparable. Once the first is posited, the other two necessarily follow. If the first is removed, so are the other two simultaneously. Obligation without responsibility means obligation without a subject being obliged. It is no less absurd to suppose that a human being is obliged and responsible without these attributes being expressed and verified in an appropriate sanction. This would clearly deprive the words of their meaning.

Arising from obligation, responsibility is itself a particular kind of obligation. Etymologically speaking, *to be responsible is to be obliged to answer for something, to be accountable to someone*. Naturally, we speak of responsibility in its full and proper meaning. It is only by extension, or even by attenuation, that this term is sometimes used to designate a simple authorship of the act, even when there is neither obligation nor the possibility to respond; even if the author were alone in the world. On this account, a 'solitary God' acting arbitrarily would be the perfect actor responsible for His actions. However, let us remain with the concept of human responsibility, which presupposes, if not the idea of a strict obligation, then at least the equivalent idea of an ideal which one should set for oneself as a precondition and for which one holds oneself responsible. In the course of the development which follows, we shall first examine some general characteristics which arise from the analysis of this notion, then its conditions from the ethical and religious points of view, and lastly its social aspects.

### 1 An analysis of the general idea of responsibility

We saw in the etymological definition that this notion comprises a twofold relationship for the responsible subject: the first, with his actions and the second, with his judgements. Concerning an action, the word 'responsibility' does not primarily express a *de facto* relationship, as might be wrongly assumed, but a *de jure* relationship which legitimises it, and which must precede it in our particular judgements. Responsibility is first and foremost a natural disposition; it is the capacity to take something upon oneself, and the

power then to discharge one's undertaking through one's own endeavours. Taken at this very general and elementary level, responsibility is only one of the characteristic features of man's very essence.

If things follow their normal course (including man's physical and psychological components), they only inevitably and invariably fulfil the role assigned to them by the law of nature. They cannot intervene of their own initiative, either to maintain the established order, or to change it or modify it in any way; therefore, they have no responsibility. In the moral order, on the other hand, the agent is constantly faced with several possibilities, of which he can choose any one for himself, whether he respects or violates the rule. *Contingence* and *necessity* are the two characteristics that constitute respectively the realms of *responsibility* and *freedom from responsibility*. Man has laid down his candidacy for the first category. The contrast that places the reasonable being in opposition to beings not endowed with reason, with regard to their moral capacity, seems to have been highlighted by the Qur'an in this brief sentence:

*We offered the Trust [moral law] to the heavens, the earth and the mountains, but they refused to undertake it and shrank from it. But man undertook it. He is indeed wrongdoing and ignorant [for having violated it].*<sup>1</sup> 33:72

However, this is only a *latent* aspect, an aptitude which hardly assumes responsibility in an *action*. This will only happen when certain conditions (pertaining to age and health, for instance) have been realised, so that our promises and our engagements are given moral significance. It is not even sufficient that these general conditions have been brought together for us to become effectively responsible. Concrete circumstances must also be added and invite us to insert our activity within the web of facts. It is true that we are never without such circumstances: all of us necessarily maintain some sort of connection, occupy a certain place and exercise some function within the social organism. A father is responsible for the material and moral well-being of his children; a teacher for the moral and intellectual education of young people; a workman for the execution and perfection of his handiwork; a magistrate for the application of justice; a policeman for public security and a soldier for the safeguarding of the fatherland. Even when alone and isolated, we are responsible for the purity of our heart and righteousness of our thoughts, as well as the protection of our life and our health, so that it may be maintained that some degree of responsibility is attached to human life at every moment, which is not only virtual, but also real and present, as soon as the general conditions exist, the variety of situations occurring only in order to specify and define the object of this responsibility.

However, here we must not confuse two very distinct meanings of responsibility. As long as some very specific considerations, which we will see below, do not intervene, we remain at the stage of natural responsibility, which is a simple requirement of the situation. Here, to be responsible still

only means that we must be worthy of becoming so properly. We are naturally responsible before becoming or being made morally responsible.

Now, if it is true that our responsibility is always engaged in some way or other, it does not follow that we always behave according to the rule. Even after having explicitly committed ourselves, we still have the possibility of keeping our promise or of reneging on it, depending on whether we carry on striving in the same direction or we allow ourselves to be tempted away by opposing claims, at which point, a new phase occurs in our responsibility. As soon as we have decided in favour of a particular possibility, the responsibility which is incumbent upon us due to this fact is no longer *aimed at the future*, it is turned *towards the past*. From now on, we are no longer responsible in respect of being capable of action, but as authors of a completed action. *Responsibility becomes imputability*.

We arrive, thus, at the boundaries of another element of this notion. After completing a mission, one has only to produce a report. The first moment of responsibility inspires in us a feeling of power. This is a *force*. In the second, by contrast, we take on an attitude of humility and submission. This is a *duty*.

To be responsible, we say, is to be called to account for something to someone. To whom? For what?

From the moment that one agrees that responsibility presupposes obligation, the result is, on one hand, that the account rendered must have as its objective the way in which the obligatory action was either completed or omitted, while on the other hand, the judge before whom we appear is none other than the authority which issued the obligation. We know three kinds of authority: one can submit to an obligation which one has made for oneself, or which one has received from other people, or a higher authority. In the first case, responsibility comes *from within*; we make ourselves responsible for an action which nobody else obliges us to do. In the other two cases, one receives the responsibility *from outside*. Whether we are responsible to *ourselves*, or to *men* or to *God*, in one case as in the other, the judgement of the responsibility is always given by the same authority which issued the command in the first place. From this come three sorts of responsibility: *religious* responsibility, *social* responsibility, and *purely moral* responsibility. The Qur'an mentions all three of them together in this order:

*Believers, do not betray Allāh and the Messenger, or knowingly betray others [by committing an abuse of trust].* 8:27

In a sense, any kind of responsibility is a *moral responsibility* as soon as it has been accepted. By the fact of our agreement, a responsibility with which we are charged by someone else becomes a demand upon our own person. We should not, therefore, be surprised to see the Qur'an presenting religious responsibility itself in the form of a purely moral responsibility. Thus,

regarding a precept relating to the obligatory fast, which certain people had secretly avoided:

*Allāh knows that you have been betraying yourselves.*

2:186

Very often, in order to exhort people to be obedient, the Book does not just remind them of the divine commandment, but it also evokes the remembrance of their promise taken by them to obey this commandment.<sup>2</sup> Although the non-believer can conceive of a responsibility imposed upon him from the outside without it having emanated from his own conscience, for the believer, on the contrary, one never goes without the other, because the primary act of faith implies an acknowledgement that God is worthy to be obeyed, as well as loved and adored.

Taking things in *another sense*, we might say that in an ethics such as that in the Qur'an, any responsibility is comprised within, or at least subordinated to, *religious responsibility*. For this ethics, neither personal commitments nor social institutions can be sources of obligation except through a sort of delegation of divine authority. Take, first, the responsibility created by our individual initiative. Certainly Islam gives it an important place and compares it in many ways to the responsibility established by the rules of revealed law. So a benefactor who spontaneously and of his own free will signs a subscription can no longer legally withdraw his signature; the third person who, through obligation, vouches for a debt and himself becomes a debtor, or the devout person who decides to perform a supererogatory action and who takes God as a witness in his vow, is then faced with a strict obligation. In brief, whoever gives his word on any legitimate action, even to keep an appointment, becomes strictly responsible. The Qur'an says:

*Honour your contracts; your contracts will be asked about.*

17:34

The Prophet said, 'There are three signs by which one recognises the hypocritical heart: lying, not keeping a promise and abusing trust.'<sup>3</sup> This teaching originates in the Qur'an.<sup>4</sup>

In the preceding examples, it is clear that man chooses to become responsible through a voluntary action, without which he would have remained free to act or not to act; and the responsibility which he assumes before God, as we have seen, is not less than that which requires him to perform his essential religious duties. However, it is impossible to allow, without restriction or reserve, the principle of *self-obligation*. In order for our promises and wishes to be valid, and to be able to determine our responsibility, it is necessary at least to aim at performing the kind of good deed that is already recognised by the law. As stipulated by the Prophet, 'Whoever has vowed to perform a pious duty must do so; but whoever vows to commit a sin must abstain.'<sup>5</sup>

It is the same concerning the obligations which we have towards others, independently of our individual will. For instance, no one would dispute the sacred right of parents to command respect and submission from their children.<sup>6</sup> According to the Qur'an, however, this right confers upon them a limited and conditional authority.<sup>7</sup> Not only does this authority cease if they ask their children to betray the faith,<sup>8</sup> or to commit an injustice, but the hierarchy is reversed if parents commit a sin; it is then for the children to remind them of their duty and they can even pursue it in the courts. However great the respect and deep the love a Muslim may bear for his parents, especially<sup>9</sup> if they are members of the same community of faith, his love for truth and respect for justice must prevail. Whereas the Napoleonic Code, for instance, forbids a child to testify against his father and mother in a civil or criminal process,<sup>10</sup> the Qur'an says the opposite:

*You who believe, uphold justice and bear witness to Allāh, even if it is against yourselves, your parents, or your close relatives.* 4:135

We must also obey our leaders and our superiors,<sup>11</sup> although only on condition that the command given is legitimate. If this legitimacy is disputed, we must refer our differences to the sole arbitration of the Holy Book and the prophetic Tradition.<sup>12</sup> If the command is found to go against the rule, we are required to discard it, pure and simple.<sup>13</sup>

Lastly, we owe our fellow human beings the duty to keep our promises and contracts.<sup>14</sup> 'Muslims', said the Prophet, 'always keep to the clauses of their contracts.'<sup>15</sup> But elsewhere he gives special details: 'any stipulation not legitimated by God's Book is null and void.'<sup>16</sup> 'Any arrangement which aims to establish harmony between Muslims is valid, as long as it does not prohibit something that God has allowed, or allows something which he has prohibited.'<sup>17</sup> Normally, in Islamic ethics, there is not, and nor should there be, any conflict between one's duty as a good citizen and as a good Muslim, since both commands pertain to the same law, which comes from one and the same source of legislation. If faced with the eventuality of the capricious demand of a leader, which is likely to provoke conflict, the rule is very simple. It is summarised in a statement of the Prophet which has become proverbial: 'No obeying a creature when it means disobeying the Creator.'<sup>18</sup>

Let us now suppose that these diverse commands are in agreement: the duty which has been instituted by ourselves or a human authority conforms to the Qur'anic rule. Our case will then come under the jurisdiction of three areas of responsibility: we will be morally, socially and religiously responsible. Is this to say that these three degrees of judgement are confused or super-imposed exactly? No. Each kind of responsibility retains its own characteristics and conditions.

They are not only distinct from one another in that moral responsibility is exercised immediately and in a permanent way, social responsibility functions



only intermittently, and religious responsibility only appears clearly on the day of the last judgement; not only in that the moral sanction takes place exclusively within us, and that social sanction acts directly upon our body, goods or civic rights, only affecting our inner self through the mediation of these external factors, while the divine sanction touches both body and soul through a terrible punishment or a beautiful reward in eternal life; but, what is more, the conditions which establish our moral and religious responsibility on the one hand and our social responsibility on the other, do not have the same importance in Islamic legislation.

We begin by examining the conditions of moral and religious responsibility, about which many texts can be found in the Qur'an. Firstly we must underline the universal character of the principle of responsibility, which the Book extends to all reasonable creatures without making any distinction between a human and a superhuman spirit and even less between common mortals and the holiest of them:

*There is no one in the heavens and earth who will not come to the All-Merciful as a slave.* 19:94

*We will question them all, every one of them, about what they did.* 15:92-3

*We will question those to whom the Messengers were sent, and we will question the Messengers.* 7:6

Undoubtedly these texts deal with responsibility to God on the Day of Judgement. However, we see in the passages below the place that the Qur'an has reserved for moral responsibility; how, even at that decisive moment, it sets up the tribunal of conscience in order to prepare and justify the supreme judgement:

*On the Day of Rising We will bring out a book for him which he will find spread open in front of him. Read your book! Today your own self is reckoner enough against you!* 17:13-14

*Then each soul will know what it has done.* 81:14

*Each soul will know what it has sent ahead and left behind.* 82:5

The universality of the aspect of the subject doubles as something else, the aspect of the object: at that moment, all actions performed on earth will be remembered by their authors:

*On the Day We make the mountains move and you see the earth laid bare and We gather them together, not leaving out a single one of them, they will be set before*

*your Lord in ranks: You have come to Us just as We created you at first. Yes indeed! Even though you claimed that We would not fix a time for you. The book will be set in place and you will see the evildoers fearful of what is in it. They will say, 'Alas for us! What is this book which does not pass over any action, small or great, without recording it?' They will find there everything they did and your Lord will not wrong anyone at all.* 18:47-9

Not only will an account of all particular actions, manifest or hidden, be required:

*Whether you divulge what is in yourselves or keep it hidden, Allāh will still call you to account for it.* 11:283

But an account will be required also of how we have used our faculties and any natural goodness, whether it is innate or acquired.

*ears, eyes, and heart, you will be questioned about all these* 17:36

*Then you will be asked on that Day about the pleasures you enjoyed.* 102:8

The Prophet gives us a glimpse of this questioning: everyone will have to explain 'in what occupation he spent his life, for what motive he acted, from what source he made his fortune and how he used it, and how he used his own body.'<sup>19</sup> We cannot give a better formula which summarises this universal characteristic in its double aspect than the famous words of the Prophet when he compared each individual to a guardian or manager who is responsible for the well-being of the people under his care. 'The head of state . . . , the man with his family . . . , the wife with her husband's home . . . , the servant with his master's goods' are all responsible in their own domain for the good running of the public or private area which has been entrusted to them.<sup>20</sup> However, in order to be universal, moral and religious morality cannot be unconditional. What are its conditions? The Qur'an gives them in detail and the following section is devoted to their study.

## 2 Conditions of moral and religious responsibility

### *A The personal nature of responsibility*

Firstly, moral and religious responsibility is completely personal. It would take too long to quote all the Qur'anic texts which establish this fundamental principle; we shall therefore content ourselves with certain formulations which state this truth in clearly specific terms:

*For it [the soul] is what it has earned; against it, what it has acquired.* 2:285

*He who commits a blameworthy act only commits it against his own soul.* 4:111

*Whoever is guided is only guided to his own good. Whoever is misguided is only misguided to his detriment. No soul will bear another's burden. We never punish until We have sent a Messenger.* 17:15

*Fear a day when no father will be able to atone for his son, or son for his father, in any way.* 31:32

*On this day, every soul will be repaid for what it has earned. Today there will be no injustice. Allāh is swift at reckoning.* 40:17

*Everyone will be ranked according to what they did.* 46:18

*That man will have nothing but what he has striven for.* 53:38

All these quotations demonstrate with clarity that in the matter of praise or blame, there can be no transfer, no extension, no participation, no confusion, even between father and son. Our parents and our ancestors are responsible for the example they have set us, the habits they have passed on to us, and while we are responsible for the way in which we use this legacy, we do not have to answer, with them, for what they have done.<sup>21</sup>

Thus, in one stroke, the problem of original sin is eliminated. Not only does the Qur'an not accept that the sin of the first man should be extended to all human beings; but also he is not given this fatal characteristic which is attributed to him in Christian theology. It was not out of natural wickedness or bad faith that Adam was led to sin. It cannot even be said that he yielded to a powerful temptation. It must be added that, according to the Qur'an, this temptation was not of the essentially sensible order. Allowing himself to be abused by an enemy who, under oath,<sup>22</sup> pretended to give him good advice, our first father innocently believed that by eating of the forbidden fruit, he would become as pure as the angels and everlasting like God.<sup>23</sup> What a noble error! Who could not do that, if one followed the dictates of one's conscience? It was of course a mere chimera which the hypocritical adviser used in order to beguile him. For although he had been warned against the possible machinations of his adversary, the first man forgot about it when the time came and did not display a firm enough will.<sup>24</sup> Forgetting does not constitute a valid excuse for him, nor for the intention of his action, since the object of his forgetting was not the imperative itself but its aim. However noble the motives of a criminal act may be, they do not absolve us from a specific and absolute obligation. It is in this kind of imperative that the firmness of Kantian rigorism appears, which does not admit of any exception to the moral rule. Adam's sin was thus to the effect of an accidental weakness, of an insufficient effort to observe his duty. Because of this, the nature of the first man did not

become so corrupt that it necessitated the intervention of any redeemer other than himself; it was enough for him to have acknowledged that he had sinned and to have made his repentance, not only for his blemish to be cleansed and his primitive candour regained, but more so because this new convert was elevated or raised up again to the ranks of the elite.<sup>25</sup> The same is true of human nature in general, which the Qur'an describes in these terms:

*We created man in the finest mould. Then We reduced him to the lowest of the low, except for those who believe and do right actions: they will have an unfailing reward.* 95:4-7

The Qur'an presents the issue of a guilty person being redeemed by someone who is innocent not only as contrary to divine law, but also as incompatible with the most elementary sense of human justice.<sup>26</sup>

There are, however, two cases where the Book seems to make an exception to the principle of individual responsibility. On the one hand, it is said of some guilty people:

*They will bear their own burdens and other burdens together with their own.* 29:12

On the other, the children of the faithful will be treated equally to their ancestors, provided that they follow them in the faith.<sup>27</sup> The reward or punishment will not therefore depend solely upon personal effort, but might also come from the actions of others. We must therefore examine these two examples more closely, to see just at which point they might validate or invalidate the general principle.

Firstly, an idea that must be put aside: there is never any mention of a total transfer, where the principle subject of responsibility is deprived of the fruit of his labour, or exempt from the consequences of guilty actions. The actual texts which deal with these two cases have not failed to underline the fact that the author's reward or punishment is hardly diminished on account of that.<sup>28</sup> Personal responsibilities remain intact; it is therefore an extra point to be considered. It concerns only a supplementary act of blame or praise coming, as it were, from the outside, in addition to those that result from individual actions. However, although it is defined in this way, the contradiction still remains between the number of texts which, as we have seen, categorically deny anything attributed to man of that which is not his own work.

What is it then, in actual fact? What is this supplementary charge which will be added to the account of the unjust? If the passage quoted above does not give the circumstances in which this addition takes effect, another passage specifies them. It concerns those proud people who had turned their backs to the divine light and who also were actively engaged in turning others away from it. The Qur'an declares that such persons will bear full responsibility for their actions and will also share in the responsibility of those they have led

astray.<sup>29</sup> What can we say, if not that they will be responsible for the crimes that they have instigated, as well as those which they have committed?

It is not, we repeat, that their victims will be exempted from their sin, which is to have allowed themselves to be led astray. The Qur'an warns us many times that the guilt of the follower will not be any less great. It explains this point in the form of a quarrel which will take place at the last Judgement between the two categories of guilty people, a quarrel whose theme and *denouement* always remain the same: the weak blame those who have led them astray in order to exculpate themselves, whereas the leaders distance themselves and pass the blame on to someone else. The debate always leads to the condemnation of both parties.<sup>30</sup> However, since, in addition to their own personal behaviour, the leaders have contributed to a certain extent to the followers' guilt, they can be charged with extra responsibility, because of the law of cause and effect between their own crime and the others. They are doubly responsible precisely because they are doubly guilty. A criminal who has committed several crimes will clearly not be dealt with in the same way as someone else who has only committed one.<sup>31</sup> By contrast, in all the cases where there is no causality or mediation between guilty parties, responsibility is always confined and attributed individually in the strictest possible sense.<sup>32</sup>

In this way, there is no trace of contradiction, nor even an exception to the general rule. On the contrary, the study of this first case provides precise details on the way in which Islam views individual responsibility. It is a broader notion than even all these passages reveal. Not only is man responsible for the actions which he instigates through a positive and direct intervention with others, by giving them orders, advice or suggestions; not only is he also responsible for the example which he brings from above and spreads among the masses through his prestige, but for any initiative, good or bad, from any source whatsoever, as it is likely to be imitated by others and will have a bearing whose limits do not stop at its immediate relevance, nor at its immediate consequences. The Prophet declared that the responsibility of a new action will be multiplied as many times as it is imitated throughout the coming centuries, until the end of the world.<sup>33</sup> This is why we are told that 'any murderer committed unjustly on earth will be partly charged against the first murderer of Adam's son'.<sup>34</sup> The Prophet cited the Qur'an in support of this view.<sup>35</sup>

So much the better! Not only do we answer for our own initiatives, but also somehow for those of others. We are responsible for the bad conduct of our fellow human beings if we allow them to do it, without challenging them in all the legal ways that are in our power to prevent them. This shows that a negative social attitude, indifference, is condemned as much as a positive sin. To abstain from intervening is already passive complicity. We learn that one ancient people was repeatedly admonished by the prophets solely for the fact that the bad deeds committed by those among them were not opposed by the community.<sup>36</sup>

This we can see. With such a degree of extension, individual responsibility

is very close to being confused with collective responsibility, but it is not the same in the proper sense of the term. Collectivity here is only the sum of individual consciences which all know the moral rule and the facts which have violated it, and yet which allow criminals to go unpunished, not even taking care to show a disapproving attitude towards them. The people, who, on the contrary, at least make an effort either to try to call the guilty back to their duty, or to break away from them, will be saved.<sup>37</sup> That is not all. Not only the conscious actions which our behaviour instigates in society, but also their most remote natural consequences will be incorporated and their significance magnified. The happiness or misery which might result for humanity from one intentional act, the consequences of which were not considered carefully by its author, will count for or against this person, even if they were produced only after his death. 'Death', said the Prophet, 'ends all human actions, except for three: an ongoing work of charity, a useful piece of knowledge, or pious descendants which the believer leaves after him.'<sup>38</sup>

Now we come to the second case, which defies all the explanations given so far. We might fully understand that, because our children are our works, their actions continue and complete ours, and they should therefore be put on our account. But how can we justify the reverse proposition? It would clearly be anachronistic to invoke some sort of causal connection here which would implicate them in actions performed before their birth, and which would legitimate their equality with their predecessors before divine justice. One cannot see, furthermore, how to reconcile this passage which seems to declare this equality (52:21) with the others which have established exactly the opposite.<sup>39</sup> Consider the famous *ḥadīth*: 'The person who does not progress (morally) through his own actions will not be advanced by his noble birth.'<sup>40</sup> To avoid the problem, exegetes say that 52:21 does not concern a reward, but a pure favour granted in addition to what is deserved; they add that such a favour must not be subject to any rule. According to them, ethics intends that nobody is deprived of his rights.<sup>41</sup> Once they have been rendered to everyone according to the strictest justice, then there is nothing to prevent God from bestowing on whom he wishes a superior degree to someone who does not merit it.

We might object that the very act of raising somebody of an inferior degree to the same degree of merit as someone of a superior degree would constitute a sort of affront to the dignity of the latter, if one can explain it in this way. He might justifiably be aggrieved to see his worth equal to someone who is morally below him. From this emotional aspect, of course, the objection is not well founded; it is not difficult to reply that the issue of rivalry does not arise in the City of God: the hearts of the blessed will be free of any feelings of rancour and envy towards one another;<sup>42</sup> even in this world, jealousy should be banished between elders and descendants, especially those who are closest to each other; parents are always perfectly delighted to see their children enjoying the same happiness as them, or indeed a better one.

Now, supposing that we have satisfied everyone with our explanations, is

justice satisfied? Why favour some and not others in equal proportion? Does not generosity also have the right to impartiality? What every commentator has attempted to do is to justify a divine decision which would hold as equal *de facto*, two terms which are not so *de jure*, regarding their own natures. It seems to us more pertinent, before attempting any justification, to ask ourselves first whether such equality is really given by the text in question.

Looking at the Arabic text, we note that the verb *alḥaqa* can be interpreted to mean both 'assimilate' and 'to cause to follow, to meet'. If there is nothing in the context to determine one or the other of these two meanings, it depends upon some considerations of a linguistic order and others of a rational order, which incline us to choose one reading instead of the other. In the case of interpreting ambivalent terms, there is established a general rule, which is to choose the most appropriate and least doubtful meaning. Now, if it is true that, out of two meanings – one concrete, of the realm of the senses and the other abstract, of the moral realm – the latter is only selected by analogy, in our case the first meaning of the word is 'to cause to meet'. It is also the most reliable, since both interpretations agree in giving or implying it, whereas only one interpretation gives the meaning of 'assimilation'. Even leaving aside such general considerations, we have texts dealing with analogous cases where it is never a question of dealing with people on the basis of equality, but from a simple association expressed by the term *ma'a* ('with'). We come across this not only in the Qur'an,<sup>43</sup> but also in the *ḥadīth* according to which two people who love each other for the sake of God will be reunited in heaven.<sup>44</sup>

We can therefore say that the example which we are in the process of examining is not only a particular case of the general concept of loving for the sake of God. Why can those children who are not content with their natural lineage, but who add another, spiritual lineage, not make the identity of their ideal and their community in God prevail, in order to be granted the right to be gathered at the same hearth as those they wished to emulate, when they have truly followed them? Would not separating them be a negation of the value of their love? This union in the City of God in no way excludes a hierarchy of merits and does not necessarily imply a confusion of values. It is easy to imagine members of the same assembly being situated hierarchically, served differently and honoured differently, not unlike a train carrying travellers in different classes. Thus interpreted and duly collated with all the different aspects, the text in question does not present any contradiction to the general principle of responsibility, which remains an exclusively individual matter.

The last objection likely to be raised against this principle can be drawn from the idea of *shafā'a* (either the intercession, with the permission of God, of the angels and the prophets in favour of the just, or of the faithful for their brothers), an idea which is found in many *ḥadīths* which are acknowledged as authentic.

What are the role and the meaning of this intervention? Judging by what

we witness in this world, we can say that, through the insistence and the pressure of an intercessor, the fate of the person for whom he intervenes can undergo a radical change, or an improvement; whether or not it is different from the one he deserved, it will be different from that which might have been decided without this intervention, and is therefore an undeserved favour, or a favour coming from outside. *Shafā'a* understood in this sense is fraught with serious errors. It is the very foundation of Arab paganism which Islam primarily set out to combat, and against which the Qur'an protests from beginning to end.<sup>45</sup> From all the passages together there emerges a definition of *shafā'a* which is very different from the one just mentioned. Three conditions are necessary for it:

- 1) The intercessor does not improvise; he is not permitted to speak of his own accord in order to intervene; it is God who takes the initiative and allows him to speak.
- 2) He only intervenes for those who are pleasing to God.
- 3) It is not through his own status that he is able to be close to God; he simply supports the cause of his client by invoking some of his virtues, which must be genuine. Here, the intercessor plays the role of a responsible witness or an accredited advocate, destined to complete the complex process of Justice, no more, no less. His mission, at this solemn meeting, is to show the qualities and good deeds that are likely to compensate for the misdeeds of the believers, and to justify their acquittal or their greater glory.

It is a double honour for both the advocate and the defendant, still more if the cause is won. The same *ḥadīths* about *shafā'a* give examples where the advocate was wrong concerning the validity of the alleged facts, and where the defence withdrew, rejecting his intervention as soon as the truth was made evident to him. Thus the Prophet tells us himself that on that Day, he will claim acquittal for some people he knew as his followers in his life on earth, only to be told: 'You do not know what they invented after your death', and he will exclaim: 'Away with them, away!'<sup>46</sup> This shows how judgement is always given according to the merits of the one who is judged and not as a result of solicitations. We may have multiplied our efforts, our wishes, our prayers for those we love or for whom we feel compassion; it is a good gesture, it is our duty, but it is not this that will save them. If our efforts are successful, if our prayers are granted, it can only be that they deserve to be so according to God and His laws, our prayers being only an opportunity for this sacred will to be manifested, which up to now had remained hidden.

Nowhere in Qur'anic law do we come across a merit which has been borrowed, or a fake garment, an external etiquette covering an empty interior; there is not one merit which is not the result of our benevolent attitude being in harmony with the law. We must never forget that this



attitude is more one of quality than of quantity.<sup>47</sup> This qualitative value depends upon a thousand conditions. It is above all the internal action which marks the highest degree. 'Here dwells piety,' said the Prophet pointing to his heart.<sup>48</sup> This is why we cannot tell in advance which action will have a compensatory value for which sin. Even if we do not dispose of the weights and measures with which God will judge the hearts, we are incapable of judging people in the same way as they will be judged. We must also judge ourselves.<sup>49</sup> Our not knowing the details does not detract from the principle which makes individual behaviour the unique basis for moral merit and all ensuing rewards.<sup>50</sup> However, let it not be said that we limit sublime generosity so severely. We do not say this; it is the Qur'an which says so. In truth, it distinguishes two types of grace, one universal and the other reserved for a later time. The Qur'an speaks of the former in the past tense;<sup>51</sup> it presents it as a fact embracing everything in the world. Furthermore, all people enjoy it according to the same right, the good as well as the bad. It follows the order of existence and is the condition for responsibility. It is in virtue of it that everyone possesses the moral and material means to understand the law and obey it. Concerning the latter, the Qur'an uses the future tense.<sup>52</sup> It depends on the order of values and is the reward for responsibility. It is therefore entirely natural that it should be granted exclusively to those who piously observe their obligations. It is on this principle that the well-known Qur'anic saying rests:

*The noblest among you in Allāh's sight is the one who is the most God-fearing.* 49:13

### *B Legal foundation*

This is the second condition of responsibility. The Qur'an teaches us that no-one will have to account for his actions without having been informed of their rules beforehand. This information can be provided in two very different ways: internally and externally. In their most universal form, the rules of moral law are already inscribed within us, and, in order to decipher them, we only have to use our natural faculties: we can consult our reason and examine our heart or follow our good instincts. The knowledge of this natural law, which is within everybody's grasp, is enough to establish our responsibility towards ourselves. The most orthodox Islamic Schools do not contest at all that there is a kind of universal responsibility based on this natural obligation, but is it sufficient to establish our responsibility towards God? It is on this point that the different Schools differ. While the Mu'tazilites agree with it without exception and the Māturīdites agree with it partly (in that which concerns elementary duties), most of the Sunnite Schools deny it absolutely. According to them, we are only responsible before God, even for our most essential duties, inasmuch as our duties have been taught to us by Him in a particular and explicit way. These thinkers rely on the letter of the scriptures:

*Allāh would never misguide a people after guiding them until He had made it clear to them what they should avoid.* 9:115

*We never punish until We have sent a Messenger.* 17:15

*Your Lord would never destroy any cities without first sending to the chief of them a Messenger to recite Our Signs to them.* 28:59

It is instructive to consider the reasons given by the Qur'an to justify this restrictive condition. Why does God insist absolutely on teaching people their duties through messengers, intermediaries between them and Him? Why not leave them to follow their own natural light? As the Qur'an explains, it is because otherwise men would use reasons to object to God.<sup>53</sup> The great majority of people are composed of two classes: these are either the business people, completely absorbed in earning a living, or the idlers, left to their pleasures. Now, are these enlightened moments, where some of them think about lifting their gaze towards heaven, or turning it towards their inner selves, not extremely rare? How many of us ask ourselves, still less draw up rules, about the true ways of cultivating our mind and nourishing our heart? The thousands of occupations of daily life, which distract us from sublime matters – are these not already an excuse for us? This argument is all the more valid if it refers to the fragile state of our moral will. Is our light not enveloped and obscured by thick layers of false beliefs and bad, inherited customs? It is in order to prevent these two objections that God decided to strengthen our natural light with the light of revelation.<sup>54</sup>

Fundamentally, it is because God considers it unjust to punish cities which are not aware of their duties that He has therefore made it an obligation upon Himself to instruct men before calling upon their responsibility.<sup>55</sup> However, if this is the case – meaning to say that, if a simple distraction which has arisen, either through lack of attention or stubbornness of habit, is enough to declare perfectly normal people free from responsibility; and if divine justice has taken the trouble firstly to awaken them from their unconsciousness through a positive teaching – what should be said about consciences which are still dormant or totally eclipsed through a natural cause? Is it not all the more necessary to await their awakening or their usual reawakening, so that they are able gradually to become aware of the established law? This is evidently the logic of this Qur'anic explanation. It means that it is not enough for the Legislator to formulate laws and send His messengers to promulgate them; it is necessary that the teaching reaches men and that they are capable of becoming aware of it. Legality is therefore made of two parts, with the second implicitly subsumed within the principle which is the basis of the first.

The prophetic tradition had, early on, supplemented the brevity of the text and had explicitly drawn its consequences. 'The Prophet said that three categories of people are exempt from all responsibility: persons who are

asleep, until they wake up, the insane until they are cured and children until they reach the age of puberty.<sup>56</sup>

Perhaps we should warn the reader against a possible false interpretation. Just because children are assimilated to two of the above categories, with regard to their freedom from responsibility, it must not be concluded that they represent a neglected group or are deemed negligible in Muslim society. Muslim children have just as complete a status as adults; open any traditional treatise and you will see that they appear in every chapter. Even from the moral point of view, it would take too long here to explain what must be demanded and what must be tolerated of them. However, although the behaviour of children is regulated down to the smallest detail, the law is not addressed to them: it is for parents, for child-minders, for teachers, for leaders and the whole community that take on the task of their education and their correction, so that they conform to the rule. If their responsibility is removed, it is only because ours is required with regard to them. Three examples are enough to show how, right from the earliest age, the young Muslim must become accustomed to behave, in his personal conduct, in his relationship towards others and God, in a fashion very similar to that of adults.

- 1) The rules of courtesy and discretion which the Qur'an imposes on everyone are well known: not to enter someone's house without having asked permission and offered a polite greeting.<sup>57</sup> As far as servants and children are concerned, the Qur'an grants them a certain lenience, but not a complete exemption. It restricts the demands of this prescription to the hours of rest, when people are out of sight.<sup>58</sup>
- 2) Islam does not wait for their adolescence to start inviting children to observe their religious practices. From the age of seven, they must be encouraged to perform the prayers; from the age of ten, if they do not obey they must undergo disciplinary correction; and it is from this age that their bedrooms must be segregated.<sup>59</sup>
- 3) Well before that age, even when they are toddlers, we are to teach them not to eat or touch what is forbidden. The traditional practice at the time of the Prophet is well known, according to which it was customary to store what had been collected and prepared for distribution among the poor and the needy in the mosque or in nearby houses belonging to the spiritual leader. One day, on his return home, the Prophet saw his grandson al-Hasan chewing a dry date left over from what had been distributed. 'Throw it away!' he cried. 'Do you not know that Muhammad's family are forbidden to take anything from alms?'<sup>60</sup>

We close this digression and return to the principle of the knowledge of the law, which is the necessary condition for responsibility, in order to ask ourselves in what precise sense it must be taken, since this is a matter of extreme importance. Is it a matter of collective or individual knowledge?

We know the principle on which French law is based: 'No-one is supposed to be ignorant of the law'. There exists an analogous formula in Muslim law: 'Ignorance of the law is not a valid excuse for anyone who lives in a Muslim country': *lā 'udhr li-aḥad bi'l-jahl fī dār al-Islām*. Is it enough, therefore, for the law to be published and known in a certain area for the responsibility to be established for all of those who live in that area, even if some of them do not know it?

It is true that jurists have restricted the scope of this saying. On one hand, it only applies to people who have been Muslims from birth and who live in practising families (a recent convert is excused for not knowing the law). On the other hand, it only concerns general rules which are generally known with sound evidence, and not details which might be beyond non-specialists.

All these precautions put together still give us no more than a great probability and a strong presumption of everyone's knowledge, never a certainty. It remains to be asked on which principle of justice the responsibility of that person should be founded, who effectively does not know their duty in a given case, while everyone else knows it. Certainly it is an obligation for me to enlighten my conscience and to inform myself of my duties every time I forget them, but I must still ask myself one more question. Aside from the case of the wilful and sinful ignorance of the wicked individual mentioned by Aristotle,<sup>61</sup> there are cases where I innocently believe that the action in which I am indulging or from which I am abstaining is only natural and that it is not within the scope of any prohibition or any obligation. In these circumstances, how could I be responsible without knowing it, except from the warnings of my conscience?

The truth is that the saying in question only expresses a sort of legal justice, which sees humans from the outside and which judges them objectively, statistically, according to the average norm of behaviour. It is no doubt useful, even indispensable, to see things from this perspective, so that order in society may be maintained; otherwise, with the alibi of ignorance of the law the door would open wide to all kinds of violations. As for the moral and religious responsibility we are dealing with at present, it must only be based on the real state of our conscience, with the one condition that this conscience does not willingly turn away from the light which is offered to it,<sup>62</sup> and even seeks it out, if necessary.

In our opinion, it is therefore not sufficient for the law to have been made available to human knowledge in general and that I am in the correct state to receive it; it must be added that it should also have been brought to my own personal knowledge, whether it comes to me through education, through a publication, or through sheer chance, or whether I come across it through my own research and investigations. For we have come to see how the Qur'an has insisted on establishing as a historical truth, if not as an immutable law, that divine teaching addressed to the peoples of old always had to reach those concerned before their responsibility could be expected.

The same truth must apply to Qur'anic teaching, as it indeed does, since the Qur'an declares:

*This Qur'an has been revealed to me so that I may warn you by it, and anyone else it reaches.* 6:20

This is not all. Let us now suppose that the rule is already established for the people and has been received by me; it may happen, however, that when I am about to act, I lose sight of this teaching; it escapes me entirely; I have, purely and simply, forgotten it, and even if I might eventually remember it if I were asked about it, I do not remember it for the moment; I do not even have an inkling of it. Only, whether it is a simple temporary, superficial distraction, or a profound and radical forgetfulness, whether normal or pathological, my disposition is always such that, if someone warns me, I immediately renounce my plan which is against the rule, or I stop the action which I started. How can I be responsible for an action performed in such circumstances? To the extent that forgetfulness is a natural phenomenon which does not depend on my will and does not occur from any fault of mine, is it acceptable for absolute justice, based on the reality of things and not on conjectures or utilitarian considerations, to hold me responsible for such an action, given that it is irrevocable? God is far above committing such an injustice. Also, when the Qur'an taught the believers to say this prayer:

*O Lord, do not take us to task if we forget* 2:286

the Prophet added this reassuring comment: 'God said: Yes I have promised.'<sup>63</sup>

### *C The internal aspect of an action*

So far, we have only spoken about the relationship which links the responsible agent to the law. We have seen how, in the Qur'an, responsibility can only be established and justified on condition that the law of duty is revealed, known by those concerned and is also in their minds at the moment that they act. However, in addition to our relationship with the law, we have another relationship with the action. The former was a relationship of knowledge; the latter is a relationship of the will. The whole conscience of the moral agent holds this dual relationship simultaneously, like a painter who does his drawing while looking at the model, either conforming to it or being independent of its norms. The court whose business it is to impute actions to people cannot pronounce its verdict equitably without taking into account the way in which our actions were produced and their relationship with our person.

In the first place, an involuntary action must be excluded from the realm of responsibility, since a key element of the personality is missing completely, namely, the will. For example, he who makes a *faux-pas* cannot be held

responsible, either for his slip, or for the pleasant or unpleasant circumstances for himself or for others. From the human point of view, an involuntary deed is an event; it is improperly called an 'action' since, to use the Qur'anic expression, it is not something 'which our soul has acquired'.<sup>64</sup>

Conversely, are we to say that just because an action was desired by us, it is therefore imputable to us? Yes and no. Yes, if by *imputability* one means any form of *causality*; no, if imputability is a synonym for *moral responsibility*, for the latter is never simply the overall begetting of an action, but has a particular characteristic which begets the awarding of *merit* or *blame*. In order to have this characteristic, it is imperative that the voluntary action is viewed by the author in the same way and from the same point of view as it has been by the Legislator, the same as *in logic*, where there is only agreement or contradiction if both agreeing terms or both opposing propositions are taken in the same conditions; the same as *in ethics*, where there is no obedience or disobedience unless there is complete coincidence between the action as it was commanded or forbidden and the action as it was performed.

Suppose, for instance, that you are hunting in a forest or fishing in a lake: you think you have shot some game, whereas you have actually shot a man; you meant to catch a fish, but to your surprise it is a drowning child that you have caught! Although *materially* identical with those which fall under the law, these actions are not so *qualitatively*. What you intended was a permitted or a neutral action; what the law pronounced on is an obligatory or forbidden action. The regulation is meant to apply to human life, but it is not a human life that you intended to save or you wanted to end; it was not a meritorious or blameworthy action that you intended to carry out. Moral approval or reprobation are judgements bearing on the precise quality which has been foreseen by the rule. An innocent deviation of the will, which has seen things otherwise, does not make one guilty under the law.

When the Qur'an says:

*Allāh will not take you to task for inadvertent statements in your oaths* 2:223; 5:89

what is meant by these oaths? Commentators give us two rather different definitions. Ibn 'Abbās, among others, tells us that they are common oaths which are uttered lightly, almost without thinking. Mālik teaches us that the best interpretation he has ever heard is the one that defines this kind of oath as: 'that by which one confirms the truth of something which one sincerely held to be such, but which proved to be false.'<sup>65</sup>

It is not our concern here to choose between these two definitions. We hold them both to be particular cases of the general law of non-accountability. If we compare them with the text, we find that the first definition corresponds better to the passage in *Sūra* 5, where harmless oaths are contrasted with those which bind firmly,<sup>66</sup> whereas in *Sūra* 2 they are contrasted with false

oaths whose falseness constitutes a crime of the heart.<sup>67</sup> From both of these two passages together it is clear that only the *voluntary* and the *intentional* act leads to our responsibility.

The second epithet needs to be emphasised and further analysed. It is the kind of mistake which consists of a misunderstanding, not of the object of our activity, but of its value and moral significance. People are commonly wrong, not about the action which has been taken, but about its status, which is to say its relationship with the law. It is not that my error is determined by my ignorance. I am both conscious of my situation and of the precept which should tell me of it, and yet I see things from an angle which makes my behaviour seem blameless to me. My attitude resembles that of a judge who, confronted with a given case, asks himself which article applies best to it, or which is the better interpretation, or what extent it can have, and if it can be applied to the case under consideration, but who unfortunately ends by choosing the wrong solution. We take the example of the soldier, which we borrow from the Qur'an. I chase after a fierce enemy, I overpower him, he asks for peace and lays down his arms. I ask myself whether it is a sincere offer or simply a strategic ruse. Judging by his implacable attitude in the recent past, I presume that he cannot have suddenly changed his position, and I kill him. This is an intentional and voluntary action, and yet not quite. Its natural quality is intentional, not its moral quality. I really had the intention to kill a man, but not the intention to violate the law, since I began by supposing him to be an outlaw.

An action taken with this nuance of intention is usually called *'amd bi-shubha*, or 'intentional action in good faith', or *'amd bi-tā'wīl*, 'intentional action with a certain interpretation'. It contrasts firstly with intentional action in bad faith: *'amd bi-ghayr shubha*, and secondly with the unintentional action: *al-khaṭā'*. After this tripartite division, the 'intentional action in good faith' is further subdivided, distinguishing two sorts of interpretations to justify it: one is 'likely' – *dhū tā'wīl qarīb* – which exonerates, and the other is 'unlikely' – *dhū tā'wīl ba'īd* – which condemns. Even at this stage, we must denounce the objectivist outlook and legalistic concern which determines such a distinction. One can judge men, not according to their effective state of conscience, but according to the state that one expects to meet in normal people, which is then generalised through a sort of incomplete process of induction, without enquiring into what is really happening within a particular person. This abstract notion, wherein the self becomes a mathematical unit and where all individual originality disappears, responds exactly to the needs of life in society. Morality, however, is never inductive and moral responsibility can only be attached to a concrete person. It is all too evident that the improbable can still be true – improbability is not falsity. Hence, moral science must leave this distinction to the sociologists and find another one as a substitute in its place. *Instead of subjecting legitimacy to probability, the distinction should rather be between sincerity and insincerity.*

It could be that my harmless intention is nothing but an artificial, pre-meditated intention that came afterwards to justify another deeper, more primitive intention, which is unjustifiable and even unjustified in my own eyes, provided only that I take the trouble to analyse myself and have the courage to face the true motives for my action. In such a case, without doubt, my secondary intention is worthless and cannot in any way absolve me from moral responsibility, although it might acquit me legally. Such an example of confused intention was quoted earlier in the case of the soldier and his enemy in the Qur'an,<sup>68</sup> and in the *ḥadīth*.<sup>69</sup>

However, in the case where my intention is truly directed by my point of view, and inasmuch as I am convinced that I am not violating the law (except in the case where, being aware of my ignorance, I do not try to overcome it), nobody can reproach me for such a sincere attitude, even if it is perhaps misguided. For, after all, it is according to their state of mind that everyone will be judged:

*Your Lord knows best what is in your souls. If you are good, He is Ever-Forgiving to those who return to him.* 17:25

As for the systematic contrast which is made between the action performed in good faith and the unintentional action, it is only valid if, by unintentional, one means anything which is not envisaged by the will, either totally or partially. There will no longer be any contrast, if, on the contrary, what is meant is that which is not morally and completely intentional, for then the action performed in good faith is only a particular case of the unintentional action in general. As this particularity only constitutes a difference of degree between it and the purely involuntary action, it alters none of its innocent, and therefore non-accountable, character.

In order to formulate the third condition of moral responsibility, we therefore state that what is imputable is where intention is complete, by which we mean where the will envisages not only the natural characteristics of its object, but also its moral characteristics, as they have been conceived by the Legislator. The action must thus be envisaged by its author in the very same way in which it is permitted, forbidden or prescribed, and as such. Any divergence of views, any deviation of intention from one or other characteristic, constitutes a case for the dismissal of the action foreseen by the law. Since the action for which the law has decreed is different from the one that was performed, the latter cannot have the same status. According to our hypothesis, it is a deed determined by an involuntary error. By confirming that such an error is never to be imputed, we are only repeating the general formulation given by the Qur'an itself when it declares:

*you are not to blame for any honest mistake you make but only for what your hearts premeditate.* 33:5<sup>70</sup>



It might perhaps be said: If you attach so much importance to intention, and if moral responsibility is the function of intentionality, does it not follow that this is, for you, the *whole* of morality, or as Kant said: 'The only good thing in the world which is good in itself is good will'?

It must be. Not that it is contradictory to place absolute good in a subjective position that is relative to individual consciences,<sup>71</sup> for the existential relativity of this position would not prevent it from having an absolute moral value. However, what makes us refute this doctrine is that, in the first place, it deprives the action of any proper value; secondly, in overestimating the intention of the action, it falls into the paradox in which everything is good from the moment that it is done with the intention of it being good, even the most extravagant and absurd actions. Lastly, when this theory remains rigorously consistent with itself, it tends to deny any progress and any difference in moral value. If good intention is all that morality is, consciences and actions that are far apart on the scale of values have to be treated alike. Thus, the most ignorant and fanatical man, who, blinded by his own incurable illusion, believes his will to be law, should be deemed worthy of having the same right as the wisest and most enlightened man. Kant does not take these difficulties into account, precisely because he retains an abstract scale, where the general idea of duty is a unity without diversity, and he does not take the trouble to see the conscience in its multiple and concrete reality. Out of the three elements of the moral conscience – knowledge, will and action – Kant only wishes to retain one: the will.

We are in fact in agreement with Kant and admit that the most useful action, even the one which is the most impartial, has no moral value if it is not accompanied, even determined, by the will to obey the law; and that the wickedest of actions gives no grounds for responsibility if it is not made intentionally, in spite of the law. But this is far from saying that, in the contrary case of the good intention, the most misguided action recovers its value and becomes a model of morality. From that which good faith excuses, it does not follow that it makes an absolute principle of moral value. In brief, and in order to put our thought in the clearest and most precise form, we say that intentionality is indeed a *necessary condition* of morality and therefore of responsibility, but never a *sufficient condition* for either of them.

This is our interpretation of the role of intention in Islamic ethics. The most famous text which makes it the corner-stone of morality does not make it contain the whole value of an action, but makes it a condition of its validity.

#### *D Freedom*

One has not met all the conditions of responsibility even when one has knowledge of the law, and acted voluntarily and with full awareness of the reason.

I know quite well that a certain action is forbidden to me; I do not mistake its physical nature or its moral nature, and when my will has had to intervene, it is applied to it from the same point of view by which it has been prohibited.

It is thus a conscious and doubly intentional action. But, if my will were not the sole element that produces it; if the field of action of my free will were not *tabula rasa*; if it were already occupied by other forces which determined my choice in one sense rather than another; if, in the midst of this maelstrom, my will could only follow a line already traced for it, how could I attribute such an action to myself, in which my personality only contributed a minor part?

As well as our faculties of *knowledge* and of *will*, must we not examine the extent of our *power*, and establish as a fourth condition of responsibility the *efficacy of our effort*, namely our *freedom*? The principle of proportionality between responsibility and freedom is so deeply rooted in the human conscience that it cannot be omitted without seeming somewhat unjust. Taking humankind as it is, to what extent can one speak of legitimate human responsibility?

We know that the problem of freedom has always brought together two absolutely opposing doctrines, at least on the abstract plane: *determinism* and *indeterminism*. Listening to some, there is no place at all for a truly free human will. Some people are good and some are bad, wrote Schopenhauer, just as there are lambs and tigers; some are born with humane feelings, others with selfish ones. Ethics is only a description of human mores just like natural history is a description of animals. Spinoza went further, to say that human actions, like all other phenomena in the universe, are produced and deduced with the same logical necessity which rules that the essence of a triangle is that its three angles are equal to two right angles. Kant, that champion of freedom who makes it the fundamental postulate of morality, teaches us a kind of human determinism, which, in order to be neither absolute nor metaphysical, is not least strictly scientific. He states that if we knew every circumstance and antecedent, all human actions could be predicted as accurately as an eclipse. In order to protect freedom, and with it responsibility, he had to expel them completely from the realm of experience and the world of phenomena, so as to relegate them to a world that was unknown, and for him unknowable – which was practically the equivalent to negating actual reality only in order to keep a hazy memory or vague hope of it. Hume did not hesitate to tell it in its own terms: our conscience of freedom is only an illusion.

However, if we are to believe the supporters of free will, our responsibility for every intentional action would be irrevocable. For them, the will and freedom are synonymous.<sup>72</sup> At any rate, the two notions cover the same ground. Naturally, it is not a matter of attributing to man the absolute power to execute his decisions freely, in spite of all material obstacles and against the inexorable laws of nature, for it would be nonsensical to assert that we can always do as we will. Although it is true to say that, in the everyday circumstances of practical life, except from actions which are prevented by a major force, *will is power*. In the proper sense of the term, however, which the advocates of free will wish to establish as a pre-existing condition of respon-

sibility, it is not so much the *freedom of execution* (whose relativity and dependence upon a thousand external conditions they recognise), as the *freedom of decision*, which they declare to be indissolubly linked to all human conscience.

Nobody has gone further than Descartes with the limits of our free activity. Not only in the realm of action, but also in the realm of knowledge does our will pass judgement or abstain, affirm or deny. This freedom is firstly manifested in methodical doubt, which is to say in the power we have voluntarily to rid ourselves of our habitual prejudices and preconceptions, data from the senses or conclusions from our reasoning, either for us then to pronounce on their definitive truth or falsehood, or, purely and simply, to suspend our judgement.<sup>73</sup> This activity appears in a positive way in our ordinary judgements. Far from being determined by our understanding, these judgements can even precede it, or exceed it, as is what happens in all cases where we commit a speculative error, this error being nothing other than a voluntary judgement which we pass on things we believe we think, but of which we do not actually conceive.<sup>74</sup> And even when we provide ourselves with evidence, we also do this freely; we might instead have resisted and refused to admit it, but we do it 'provided only that we think it a good thing to witness the reality of free will through that means'.<sup>75</sup>

We shall now restrict ourselves to the moral problem. In the pursuit of good and evil, are we masters of our resolutions, are we their originators? Or are they the fatal result of our immutable nature, the necessary consequence of the previous stages of our conscience, whether those are ideas or feelings? Determinists insist on presenting the innate characteristic in an extremely rigid form, without allowing any flexibility or elasticity. The bad and good inclinations with which we are endowed at birth are our nature. How can we be responsible for a nature which is not of our making, or which is certainly not of our conscious making?<sup>76</sup>

In the first instance, the fixed and unmovable aspect of our instincts has not been demonstrated. Comparative psychology seems to indicate, on the contrary, that because of their great multiplicity and extreme complexity, human instincts are much less rigid and much more amenable to change and to learning through interaction, than animal instinct. From time immemorial, man has exercised his authority over the natural characteristics of wild animals which, from being wild and undisciplined, become docile through being tamed. How could we not have any hold, whether direct or indirect, on our own character and change ourselves for better or worse? Is there not, at the root of this pessimistic opinion, a facile prejudice and lazy argumentation? Wise people have throughout all ages held the contrary, that effort was an effective way of acting upon ourselves, and experience seems to testify to the possibility of a more or less radical conversion. The Qur'an, for its part, seems to recognise the dual power of men to purify and improve their inner being, or to darken and degrade it.<sup>77</sup>

We are less ambitious and admit, in truth, that some elements of our moral character evade any evolution or progress, but these are not the objects of obligation or of responsibility. One may be sad or cheerful, pessimistic or optimistic, cold or sensitive by nature, without that making us immoral. One is no more responsible for one's mental weaknesses than a disabled person is for their physical problems.

Finally, and from the same hypothesis – that a part of our nature remains absolutely impervious to all alteration – we must distinguish between the suggestions inspired by our inclinations, against which we can do nothing, and the relationship between these suggestions and our will.

Far be it for us to assert that the will is an isolated system which functions independently of the rest of our structure. Although it finds sufficient strength within itself, or, as one says in scholastic parlance, *the efficient cause* of its actions, it needs to look elsewhere for its motives, its final cause, whose source it can only find above or below itself, in reason or in instinct. For every conscious, voluntary action there is always a 'because'. Whether one pursues what is truly good, one's interest or pleasure, one will say: it is because it is more worthy, or more advantageous, or because it is more enjoyable. A despot who, without hesitation or deliberation, takes his decisions arbitrarily, saying: 'I want it because I want it', in fact obeys some hidden reason, even if it is only the need to show his independence. When one genuinely hesitates for a moment between two choices, without finding sufficient reason or even the least mark of preference, and one decides at last, solely under the pressure of the necessity to act and because it must be done, it is because one has assumed that the reasons supporting one's choice are equally as good as their opposite.

The problem of the will being determined by the motives, or any other cause, has produced three different schools of thought in classical Muslim philosophy, similar to those of European moralists, and which encompass all possible solutions.

First, the doctrine of the majority of Sunnites and a small number of Mu'tazilites: according to these thinkers, in order for one of the two opposites to be definitively chosen and enacted by us, it is absolutely necessary that there be some particular conditions, some determining reason, so determining that it makes the opposite choice impossible. Otherwise, the choice would remain in the state of a projection and would never become an action.<sup>78</sup> Secondly, the theory of al-Khwārizmī and al-Zamaksharī: instead of proclaiming the necessity of a determining reason, they accept some kind of predisposed cause.<sup>79</sup> Lastly, most Mu'tazilites deem that a voluntary choice supposes nothing beyond itself. For them, the free actor can only be defined and distinguished from the spontaneous cause by the dual power that he has to act or not to act, according to his own will, in the midst of contingency, without being determined or inclined by anything alien to his own impetus. The classical example is of a man who, fleeing his enemy and finding himself

at a junction, chooses whichever path is open to him. Al-Rāzī and other Ash'arites wavered between the two most extreme doctrines.<sup>80</sup>

We personally do not favour the opinion of the Mu'tazilites. This kind of arbitrary choice must be excluded from our subject, not only because it represents the lowest degree of freedom, as Descartes has explained, but also because we believe that *an indifferent will is an imperfect will*; it is only half a will, the other half being made up of *automatism and chance*. When, in the morning, faced with several items of clothing, all perfectly decent and wearable, I find myself momentarily with too much choice, but, under pressure because of the approaching time of my departure, I decide to choose any one, my will has only considered the one chosen through an assessment of its particularities, taking it as one example of a general idea which hardly excludes other examples. What I want is to dress decently before going out. From that point of view, my action is voluntary and has a reason, but regarding the details, where I say 'This is not important', I choose automatically without being aware of it. Now, in the ethical realm, the will is always exclusive; it is both positive and negative: I want this and not that. This necessarily supposes, fundamentally, a given motive, whether it is self-interest or duty. It is the same with any choice which is truly voluntary. The soul is made in such a way that it never makes any choice without being satisfied that there is some suitable connection between the measure to take and the goal to be attained. *Will is by definition the pursuit of finality*.

Therefore, to posit independence as a characteristic of the human will is not to attribute to it the power to exercise itself without motives or goals, or to break its attachments to other natural forces, still less to exhaust resources upon which it draws and to silence the voice which inspires it. It is only to establish that the link between our particular will and our temperament, or our usual manner of thought or of feeling, does not proceed from any real necessity, whatever we intend the word to mean. It is not out of any logical necessity, in the fashion of Spinoza (the relationship of identity or of inherence), that I choose one option and not another, since the opposite decision would not imply any contradiction.

Nor is it out of any empirical necessity (the relationship of causality, inheritance or some other narrow and unbreakable connection). Despite what Socrates and Plato say, it is not true that knowing what is truly good infallibly determines the will to do good; one can do something bad out of weakness, as well as out of ignorance; and whatever Leibniz says, it is not true that the good that I perceive will prevent me absolutely from preferring something good which is only imagined: I can do what I hate and deprive myself of what I like, in the same way as I drink a bitter medicine with the hope of better health in the long term. Retaining the element that is common to the two Platonic and Leibnizian views, S. Mill describes the action of the will, as well as all other actual facts of conscience, as rigorously determined by all preceding states, not unlike a billiard ball, which, under the impact of another ball, moves in the

direction which the latter has set for it. Our self witnesses this spectacle passively, or to be more exact, the self does not exist in actual existence, since in this world there is only an aggregate of phenomena where the law of the most dominant rules.

If, however, the act of willing is only a natural continuation of previous acts, it can be calculated and predicted as accurately as any physical phenomenon, not by an attentive spectator, but by the subject himself. Now this prediction is not only false by the very fact that we deliberate, which would be absurd if a perspective were already revealed to us by itself in advance on which decision to take, but the Qur'an also declares such a prediction impossible for human thought.<sup>81</sup> Undoubtedly we could attempt some hypothesis and form a judgement of probability based on our previous behaviour, but this judgement will have as much chance of being confirmed by the facts as we allow ourselves to be led by our habits and as varied as the use that we make of our freedom.

This mechanistic conception of mental states is strongly opposed by Bergson's theory of freedom. He declares that facts of conscience do not exist separately and do not remain unaffected by each other. As soon as they reach a certain depth, they interpenetrate and merge; and each one of them reflects the entire soul. It is then impossible to apply the principle of causality which assumes two distinct terms, cause and effect. On the other hand, these inner events do not remain identical to themselves. Because of that alone they endure, change and evolve like any other living being and do not go back to their original position. In such a way, the same cause, if there is such a thing, cannot be present repeatedly. If it produces its effect once, it can never produce it again.

We do note, however, that this doctrine was only able to remove our will from the grasp of mechanistic causality by making it subject to dynamic causality. Actually, the doctrine admits of both explanations at the same time, and assigns to each its own domain, the larger one being reserved for the former. Bergson states that as long as we remain in touch with the external world, as long as we observe what society expects of us, our states of conscience remain juxtaposed at the surface of the self and are not incorporated into its mass. This explains how it is possible for them to be linked, in such a way that the presence of one calls up the other. Thus, most of the time, we perform actions like conscious robots; and it is to these actions that the mechanistic theory applies. If it happens – and it is very rare – that we detach ourselves from the external world to become our true selves; that we return from space to timelessness, from language to pure thought, from received views to our personal convictions, we reconnect, at the same time, to our fundamental self and our free actions come from that self, which echo it and 'drop from it like a ripe fruit'.

We can therefore ask ourselves whether freedom defined in such a way is not in fact *determinism of character*. Bergson does not hide this. 'In vain', he

says, 'do people allege that we yield to the influence of our character. Our character is us.'<sup>82</sup> If this is the case, the problem of freedom has not progressed much. When one has changed masters, one is no less a slave. Associationist theories present the way in which we deliberate as if it were a football match, where the antagonistic forces dispute with each other, existing within us as isolated atoms, with victory going to the strongest. Despite the many concessions that Bergson grants his opponents, his dynamism believes it has discovered a certain number of cases where our decision bursts out of one, deep force, which develops and expands continuously like an ongoing fire. But to whichever force one refers, whether it is unique or multi-faceted, profound or superficial, both the mechanism and the dynamism agree that they refer to a nature whose direction it is impossible for us to change and whose movement it is impossible to stop. Although it speaks the language of freedom and contingency, dynamism still teaches necessity and determinism; or, if contingency is present, it belongs to the unconscious self, which, from among several logical possibilities, would choose blindly and without our awareness. So, through a different way, Bergson meets Kant: both teach that our empirical and conscious self is unable to do anything other than receive its work already done by another self, which Bergson calls fundamental and Kant, noumenal, the only difference being that Bergson attributes this power to concrete reality. Faithful to his biologism, he maintains that vital impulse is spontaneous in its natural development and therefore defies any calculation. Now this is not freedom in the sense in which we are interested. Far from being the foundation of our moral responsibility, it only undermines it. If our will originates from our character and if our character is fatally imposed upon us we remain within a closed circle: we cannot be anything but ourselves.

The freedom which conditions our responsibility must be sought elsewhere than in an actual or virtual human nature, which may be already given or is in the process being made. It must be of an order which rules human nature, rather than is ruled by it; or, as Spinoza would say, 'a nature that naturalises, rather than a nature that is naturalised'.

If, when asked whether, despite our temperament, our habits, our existing ideas and feelings, we are still free to make decisions, we answer in the affirmative, we declare that we are something other and more than the collection of all our data; that above all of these specific activities, we still possess another, higher activity, which is of a concrete and total self, able to organise itself in many different ways. Affirming this activity is not, we repeat, to claim an imaginary and illusory power. It does not at all undo an inner world in order to make it again into something which it is not. We do not claim omnipotence so as to supplant one or several elements in our structure, or to prevent their functioning, or even to isolate our will from this structure in order to exercise it within a vacuum, without motive or purpose. We must not address human nature in its essential, necessary characteristics, but in its plastic, pliable ones. Now what is absolutely necessary is that every voluntary

action should have a motive which instigates it. Every movement has a goal in sight, but this motive and this goal are never unique in nature, especially when dealing with a decision which has been more or less deliberated.

The mistake made by determinism (whether it be mechanistic or dynamic) is not to evoke the image of scales weighing motives or temperamental impulses. Whoever observes himself attentively will notice this alternation of aims which present themselves, somewhat indistinctly, together with the reasons which accompany them; and he will feel within himself a sort of wavering which ceases only once a decision has been made. However, in presenting the will as the immediate consequence of these particular states, or as the spontaneous blossoming of their deep root, the mistake made by any naturalistic theory is to have neglected an *intermediary element, which is the decisive moment in the genesis of any decision*. One is not brought to a decision in the same way that an itch guides even a sleeping hand towards the area to scratch.

*The will only immediately follows ideation in one single case: where it has neither responsibility nor freedom.* The case occurs in mental problems where the presence of only one idea, the first to come to mind, pushes its way through the other faculties and, not unlike a reflex, is enough to instigate their necessary activity to make that idea happen, without leaving them time to slow down. In normal cases, however, to which determinist doctrines attempt to refer, there always exists a *hiatus* between the action of human nature and our voluntary reaction to it. This waiting becomes necessary by the fact that not one idea, but two opposite ones present themselves for our choice and claim their right to be enacted. Sometimes we have an almost equal interest in what each of them offers, since, when everything is taken into consideration, what is lacking in one is compensated for by the other. This is why they oscillate on the stage of our conscience, and we often return to the same point of deliberation. So, with the choice between a very pretty, not too expensive, object, which is a bit fragile, and another less attractive, expensive one, which is durable, we may remain undecided for some time. We have the same confused and indecisive position when there is a choice between a useful, pleasant action and another which is more worthy and meritorious. Sometimes, one of the two solutions is better presented and is more favourably received by our habits and disposition, while the other will be rejected by these very same elements, but will nevertheless remain in our mind, preventing the first one from being transformed automatically into an action.

The distance which separates the act of willing from other acts of the conscience is especially obvious in their difference in nature, the former being a *solution of continuity*, the latter a *radical heterogeneity*. We do not go straight from these states to the action. From an idea is naturally born a consequence; from a tendency, a desire; from a feeling, an appropriate state of the soul; from their mix or their fusion, a complex action is born, which still is not the will. The nearest state to the will is desire, but *from the desire to the will there is the same distance which separates the call and the answer*. To will is not to make a



*demand*, but an *order*; it is not to hold out a beggar's hand, but to take a conqueror's footstep. The will is not the *consequence* of any given series, but the *beginning* of one yet to come. Human causality has its own irreducible characteristic. Before acquiescing to any design or motive, the will firstly imbues it with certain colours; it transforms it into a rational formula, by adding this protocol: 'I adopt this maxim as a rule for my behaviour.'

Far be it for us to reduce the importance of our deep tendencies, our strong feelings, and our clear ideas in the formation of our decisions. Our intention suggests one solution, our senses urge us towards another; perhaps in the unexplored recesses of our conscience there hides a reason which turns us towards a third, but all these forces together, including the latest and most immediate, still do not suffice to explain the decisive action of the will. They are the immanent cause of it, not the complete cause. Their action is less a causation than a solicitation. Their persuasive arguments or pathetic appeals certainly aim at making us take a decision, but they do not come to force our hand to carry it out, because nature has reduced their role to preparing the case and pleading a cause. Their power of persuasion can certainly bear strongly on a particular solution, but the curve which they make us describe is not a closed circle; it is still for us either to straighten this curve or to commence the movement to make it close (or to go ahead of it in order to meet it half-way). By them alone, the act of willing, together with its object, remains in the realm of the possible. In order to call one of several possibilities into existence a *new factor* is needed, a finishing touch which will open the way to its journey into reality.

This new factor is the intervention of our *total self* with its *synthetic* activity, in order to settle the debate and pronounce its final verdict, the only one of importance, which includes all moral consequences. In fact, it is our undivided self which comes to a decision at this decisive moment; it is that which in the end judges the value of any particular aim, which adds weight to a particular motive; not infrequently will the party which was weakest in the process of deliberation win the cause by a favour that has been granted by the judge at the final stage. This superior self constantly helps the natural interplay of its faculties, like an engine driver in his locomotive, with the power to intervene at any moment to slow down and change the speed or direction. In such a way and without violating the laws of internal or external nature, but rather with the help of these laws, we are able to orientate our choice in as many ways as we like. For instance, we can encourage our imagination to represent the object of an action more clearly, which custom or instinct had reduced to a vague and confused diagram; to bring to the fore, from the depths of our conscience, that which it had relegated to the background; to concentrate our attention upon it; to emphasise its reasons where, even if we do not find intrinsic reasons in its favour, we can put other ones forward, however subjective, and persist with all our power, so that our will is forced to turn away from its current course and to adopt a new road.

This is still determinism, if one would have it so,<sup>83</sup> but it is *determined determinism*, not *determining determinism*. It is no longer the yoke that we bear out of a contemplative resignation, but a two-edged sword, which can be held both ways and adjusted, through a creative adaptation, to either of our opposing aims. Thus comprising a plurality of determinations, *determinism* is itself *undetermined*.

If the will of a virtuous person and that of a criminal often function in the same way, it is because both began by attaching it to one particular engine, whilst remaining free to hook or unhook it, and to vary it indefinitely. However great the height one may reach on the scale of virtue or however low one may slide down the slope of vice, the wisest man, like the most depraved, feels within himself the power to stop, change courses or do an about-turn. If they do not do so, it is not because they cannot, but because they do not wish to. From this practical possibility, they can even give visible and tangible proof, in order to counter an opponent who would deny their ability to do something other than that which they do only out of habit. This proof is already given by every one of us, since we are a mixture of good and bad qualities, the difference between people being only one of proportionality.

It goes without saying that, in addition to this natural freedom, which is a *dual power*, there is another one which is specifically moral and a *strict duty*. The first is the power we have to choose any one of two opposites, the second is the *good use* we make of the first; it is the definitive forsaking of evil and the effective choice of the best. It is not a matter here of the freedom of deliverance, which acquits us of our responsibility, but of that which conditions it and constitutes its basis. The question is to know whether, in every voluntary action, we effectively possess this power over two opposites; whether, despite the pressure applied by our nature and by external nature in favour of one particular solution (and provided this pressure does not tend to leave out our will altogether, as is the case in hypnotism or madness), we can still choose freely, without constraint or necessity. To clarify further: it is a matter of knowing whether, when we choose evil in conditions which favour it, we might have chosen good, and vice-versa. In a word, are we really the architect of our merit or the accomplices of our moral wretchedness, according to the choices we make?

We are not going to pretend that all people possess the force for good and evil in equal measure, or indeed the same individual, placed in different circumstances. It is easier to go down than up, in the physical, as well as the moral sense. It has even been said that, generally speaking, the will is much more attracted to the pursuit of an immediate, sensory good than a good which is spiritual or distant, and that it finds it more difficult to rule itself according to the commands of reason than to follow natural inclinations and hereditary or acquired habits. It would be more exact to say that not everybody has the same delight in all vices; everyone has his little weak point, from which he resists some temptations less forcefully than others. However,

it is not necessary to exaggerate the difficulty to the point of making it an impossibility.

Leibniz would tell us this. Is a universal law not that which acts most powerfully where there is the greatest facility, or the least resistance? Why would you want to make moral force an exception to the rule?

When one reasons in this way, one commits a gross sophism, since the two terms of the comparison are placed in unequal conditions. What is true of a blind force allowed to run its course, reduced to its actual data, no longer applies if a driver is put in charge of its mechanism, who can adapt it to his needs by using the possibilities which it contains. Using the appropriate technology, our driver will create other ways and forms of resistance, so that a falling body can now be stopped or lifted up, or water running downhill can be made to go back up. If we place ourselves in similar conditions, moral force presents no exception. When the self makes its choice on the side that meets the most resistance (supposing that it is there that lies obedience to the law), it calls upon reserves of potential energies in order to compensate for the deficit of forces present. Sometimes this reinforcement is of the ideal order, where reasoning comes to counterbalance the weight of quiet instinct or of dry, cold custom; sometimes it is of the material order, either to avoid a provocative situation, or to turn away from a violent passion which does not admit discussion. Then the moral decision can only be reached in these cases through a new effort of resistance, an effort which will be all the more effective as it will not only allow the disturbed equilibrium to be re-established, but also the initial order of gravity to be reversed, so that the scales can now weigh more on the opposite side.

In order to have a suitable picture of the difficulties which our will encounters in our innate or acquired dispositions, let us imagine a person who is soundly asleep, and who hears his alarm-clock ring. One confuses two very different orders when one says that the law of nature which weighs the body down and paralyses its movements also prevents the desire to get up. The truth is that, for the brief number of seconds that the alarm continues to act on the functioning of the conscience, in which one does not immediately fall asleep again, this natural situation allows the will three possible attitudes from which to choose. While the body remains immobile, one can say to oneself: 'I must carry on resting', or 'I would like to get up soon but I cannot decide whether to do that', or 'I must go to work.' It is clear that the first attitude, obstinately hostile to duty, is not imposed by nature, since, without any change in physical position, one can take the average attitude of a half-hearted wish, which is the practical equivalent of not doing anything. As soon as one comes to adopt this average solution, it becomes easy to verify the *a priori* judgement that we have concerning the powerlessness of our will. The slightest effort, or artificial start, will cause any illusions about the reality of our freedom to fall away. Yes, with a little tension, a little desire, the sleepest person wakes up and decides.<sup>84</sup>

It is a fact of experience that, faced with obstinacy and defiance, the most mediocre of wills feels more able energetically to resist the most elementary instincts, the most tyrannical passions, and the most threatening of dangerous circumstances, to the point of accepting the supreme sacrifice. This is not only true of martyrs who willingly sacrifice their life to their ideal, but even of the most humble soldiers who are led into war, and who do so without knowing why, only to obey their leaders.

Yet I make the utmost effort, you tell me, and I do not succeed.

That is not altogether true. If your heart, this little piece of nature, can do nothing to resist the powerful forces of the greater nature; if the attraction of some evil or the repulsion of some good cannot fail to produce its effect upon the passive part of your being, why not, on the advice of your reason, bewail this state of affairs and despise this piece of nature within yourself? Why should you take part when you are the superior judge and ultimate arbiter? Why not only consent to them and applaud them, but also give orders to your powers, so that they are at your service? For it is there precisely that immorality occurs; it is there that responsibility is engaged. It is not in the actual occurrence of the event, nor in the lack of strength of your senses, but in the contribution that you make to it, in the final coloration which you imprint upon it, in the seal of the authority that you place upon it. Once more, if evil is really going to happen in spite of you, why should you welcome it and go to meet it? At least remain where you are and let things take their course. Nature will do nothing without you, as long as an action is not impulsive, which is to say involuntary and irresponsible.

With such a definition, moral responsibility, which, according to the supporters of determinism, does not exist in man at all, is now asserted by their opponents wherever an intentional decision takes place, whatever the seemingly irresistible compulsion of a physical, social or moral nature.

What is the position of the Qur'an with regard to this problem? Let us recall, first of all, two essential elements to the answer, which we have encountered in the text in the process of this examination:

- 1) The impossibility of foreseeing our future actions (31:4).
- 2) Man's power to improve or to degrade his inner being (91:9-10).

We shall now mention two more:

- 3) The powerlessness of any suggestion to exercise a real influence over our decisions. Time and time again, the Qur'an reminds us of this truth: neither the most persuasive piece of wisdom, nor the strongest temptations of evil can have any effect upon our behaviour, without our will flying freely to accept or refuse them.<sup>85</sup>
- 4) The severe condemnation of actions resulting from passion or blind imitation,<sup>86</sup> acts which the common conscience often excuses, either by

declaring them free of responsibility or by making them only partially responsible.

There are many formulations which a determinist cannot accept, but to which the most dedicated exponent of free will would not hesitate to subscribe. The curious thing is that such intransigence in this judgement of responsibility, which makes no valid excuse at all for the difficulty of our inner states, then gives way to a great indulgence as soon as it is a matter of a tangible influence, whether it comes from outside, like the threat of an aggressor, or from our own body, like the demands of hunger. This is why there will be no blame on a believer who is tortured by unbelievers if he finds himself obliged to deny his faith in order to escape their violence:

*Whoso disbelieves in Allāh after his belief – except for him who is forced to do so and whose heart is still content with faith – but whoso finds ease in disbelief, on them is the wrath of Allāh.* 16:106

The same is true of the person who has to eat forbidden food because of the necessities of hunger.<sup>87</sup> Even the shameful deed of prostitution will be forgiven if the woman was forced by a despotic master.

*Do not force your slave girls to prostitute themselves if they desire to be virtuous women out of your desire for the pleasures of this world. If they are forced, then afterwards Allāh is Ever-Forgiving, Most-Merciful.* 24:33

It is true that this indulgence does not extend to tolerating murder, theft or rape committed under the compulsion of an outside force. These crimes are unpardonable even if committed because of a threat of being killed otherwise. Nobody has the right to take an innocent life to save his own, or to commit robbery or rape, even if he should pay with his own life for refusing. It is already enough if the compulsion excuses such abominations as prostitution and betrayal of one's faith. It seems appropriate to ask why there is this sudden change of attitude which allows to any physical or physiological compulsion what it has refused to the psychic aspect? Why does it support that? Are we more master of our states of mind than our physical impulses? Is not the opposite likely to be truer? Does not the disciplining of the character and the mastering of the passions demand greater endurance than hunger and pain? So we refute this first hypothesis.

The freedom from responsibility granted to these actions cannot be explained by their involuntary characteristic either, supposing it to be an absolute compulsion, putting the agent in the position of the actual impossibility of choosing a different direction from that which he is made to take; for if it were so, the clemency mentioned in those passages would not make sense: one does not forgive someone for an action which he has not done, but

which has been committed instead by someone else using the body of the former as if it were a tool. On the contrary, it is an action which may not have taken place willingly and with the aim of disobeying the law, but which is nevertheless voluntary and intentional. It was done knowingly and deliberately. Far from lulling our moral attention to sleep, the obstacle that we encounter awakens our reflection and stimulates our thinking. However, at the same time as it signals the regrettable results we may expect in the path of duty, it also causes us to deviate in order to avoid danger. We believe that we touch upon the true explanation here.

The distinction between the resistance of our inclinations and the hindrance set up by the threat of coercion not only depends upon these difficulties being palpable, which is to say that neither their occurrence nor their development is illusory, nor supposes any complicity on our part, as is most frequently the case in the excuses made for the character, but also, and above all, it depends upon passion and habit attaching themselves, purely and simply, to the will, without any discussion or reasoning; or when they do use arguments, they only cite personal interests and subjective values, never reasons recognised by the law, although if we are threatened, we stop, hesitate, and meditate to find a solution, and when one eventually yields, one only does so for what may be considered moral reasons; for is it not, fundamentally, our life which is in danger, directly or indirectly? The preservation of life is both required by our instincts and ordered by moral law. A person yielding to vital necessity relinquishes one duty, but performs another which is of such importance that it conditions all other duties.

We do not try to hide the simplistic nature of our interpretation. In the first place, duties of equal value can only compensate for each other, and the preservation of life, despite being the condition of all other duties, does not occupy the highest duty. There are those that are higher and lower than it. If it is more precious than the consumption of forbidden food, can it be so in comparison to the sincerity and faithfulness to conviction? To sacrifice the lower value to the higher is a duty and a merit; but to do the opposite is a moral contradiction and as such is a responsibility for wrongdoing of some kind. In both cases, the term *freedom from responsibility* is not suitable. It might also be pointed out that the man who recoils from taking a risk may not always be certain that death would have ensued; perhaps he has exaggerated the danger or he has mistaken the real motive of his action. Even supposing that his decision were caused by a serious danger, it may well be that once he was actually performing the action, he may have returned to it and enjoyed it with a shameful delight. The action is therefore too complex for a clear acquittal to be applied. The judgement granting freedom from responsibility does not here mean innocence: *barā'a*, but derogation and tolerance: *rukḥṣa*. It is now possible to appreciate the depth of the Qur'anic expression of forgiveness and clemency. It is in order to emphasise this meaning that the commentators

have stated: 'but endurance and sacrifice are finer and worthier': *wal'l-ṣabr ajmal*. As the Qur'an has said:

*Persecution is worse than killing.*

2:217

Cases must also be excluded where the authority of duty is such that no indulgence is possible and where free will must be opposed to any constraint, even at the risk of death. Such is the case of a man who has to choose between killing or being killed, or of he who, during a time of famine, can only survive by killing another in order to feed off his flesh. 'Muslims are unanimous in forbidding this absolutely.'<sup>88</sup> Taking an innocent life is so odious that the excuse that it was to preserve our own would do nothing to make it tolerable: better to die than to kill.

In its relationship with the acts of nature, whether internal or external, the human will appears throughout the Qur'an as free and autonomous. Does its absolute independence then necessarily follow? Since no creature has any constraining power over it, must we conclude that the very author of nature remains irrelevant to our activity? The metaphysical, or rather theological, problem of predestination remains unsolved.

In a previous work in Arabic,<sup>89</sup> we offered an historical survey and attempted a critical examination of the different opinions concerning this topic in Islamic thought. It will suffice for us to give the outlines of what has already been explored.

Let us start with the ambiguity of the term 'predestination', which can be understood in two different senses. In the precise, strict sense of the term, it is the doctrine which removes man's actual voluntary activity altogether, but in a broader sense, it only means divine prescience. God created all the energies in the universe, including our faculty of the will, according to a well-established plan; He knows in advance how each one of them is going to work and which events are going to be produced from the way they work, but it is not said whether or not God intervenes in the functioning of all these forces once they have been set in motion. It is in the second sense of the term that all Arab thought, with some exception, can more or less be defined as predestinationist.

There is no trace of any opposite opinion (which removes our actions from divine prescience) in the pre-Islamic period, nor after the appearance of Islam until the beginning of the Umayyad period. One Ma'bad, from Basra, who held an extremist doctrine of human freedom, was condemned and executed as a renegade, under Caliph 'Abd al-Malik ibn Marwān, in the year 80 of the Hijra. His doctrine did not survive him but this event must have aroused philosophical reflection about the problem. Also, as early as the second century of the Hijra one witnesses the appearance of the Mu'tazilite School (under Wāṣil ibn 'Aṭā', d. 131 AH), which took, in an attenuated sense, the same name of 'Qadarite' after the one which designated the old, abandoned doctrine. God,

they said, certainly knows how man will use his faculties and the full power which He has granted to him, and yet He allows him to act, leaving him with full responsibility. Another predestinationist School, led by Jahm ibn Ṣafwān, from Tirmidh, opposed this, saying that the voluntary action differs from the involuntary one only in appearance. Man is powerless to create any movement; he is in God's hand 'like a feather swayed by the wind'.

Both Schools claim Muslim orthodoxy, and quote Qur'anic texts to support their views. In truth, a radical antinomy between the divine attributes is the source of this debate, in which one cannot be fully realised unless it impinges upon the other. For instance, on the one hand, the Qur'an declares:

*Allāh is the Creator of everything.*

39:62

If this is the case, in an absolute sense, then one thing arises from two: either man is reduced to the role of an instrument, or he is raised up to be associated with God. However, here are other no less categorical declarations which state that God is the just being par excellence:

*Allāh does not wrong anyone, by so much as the weight of an atom*

4:40

*Allāh does not wrong people in any way; rather it is people who wrong themselves.*

10:44

In these conditions, one cannot conceive that God might have established the law of human duty, with its list of responsibilities and sanctions, without giving man the necessary means for the action to perform it.

By attempting to secure the concept of the uniqueness of the Creator, it is true that the predestinationists have not gone as far as denying moral law or imputing any injustice to the One who instituted it, but they had to conceive of this imperative law as a symbol of one which is solely descriptive, and any sanction as a natural effect in the order of things. Similarly, anxious to safeguard divine justice, the liberalists did not want to raise man to the level of God, but had to admit to an exception in the creative act. The logic of *a priori* already restricts the import of this proposition: 'Everything which exists was created by God', because God exists and cannot have been created by Himself. Why should the logic of experience not effect another restriction, and put aside human actions? Thus, by pushing those two arguments to the extreme, one arrives at the point, against the evidence itself, where one erases human will and the reality of duty with it, or considerably limits the field of action of the divine will.

Later on, in virtue of their principle of participation, the Sunnite Schools attempted to reconcile these opposing theories. Neither the human nor the divine will remains inactive in voluntary human actions. Both wills are exercised at the same time and converge in the production of our actions,



although in different ways: God's action is creative, whereas, even using all his faculties, man only opens himself to the divine action in order to receive from it the deed which is already done.

With exclusivist doctrines, as we can see, the debate had been concentrated on manifested actions. The question was to know who is the creator of our external, so-called 'voluntary' actions: 'We are', said some, without the intervention of God; 'God is', said others, without our participation. The third School thought it could hold both ends of the chain by saying that it is God, together with the intervention of our will, but the supporters of this compromise soon fathomed the real part of the problem and put it in suitable terms. Realising that the exercise of the will is itself an action requiring explanation, they immediately asked themselves who turns and directs our will. Two camps emerged to respond to this question: the predeterminists, followers of Abū'l-Ḥasan al-Ash'arī (d. Baghdad, 324 AH) and their opponents, followers of Abū Maṣṣūr al-Māturīdī, from Bukhara (d. 330 AH in Samarkand).

The new doctrines thus take up the same antithesis discussed by their predecessors, after having simply transferred it to the field of inner actions. And arguments drawn from the Qur'an are plentiful here too. Whereas in some places the Qur'an gives man power over himself to change for better or worse, other passages, if taken literally, indicate that our will, like our heart and our mind are only instruments in God's hands, a sort of bridle by which He leads us where he wishes.<sup>90</sup> Of course one can attempt a synthesis on this new terrain. The Qur'an itself provides us with the principle of this synthesis, declaring:

*Allāh never changes a people's state until they change what is in themselves.* 13:12

Allowing that it is God Who determines our will, it does not follow that we are acquitted, since God does not act from His absolute initiative. He proceeds as a sort of counter-measure, reacting to something from us. Whether our hearts rejoice or bewail at knowing the truth and practising virtue; whether our reasoning reveals itself to be correct or erroneous, and whether our decisions incline to good or evil: even if we admit that all these effects are produced in us by a superior, supernatural force, their antecedents proceed from our will. It is we who begin by ourselves to open up to the light or to turn away from it;<sup>91</sup> to enlighten or darken our intelligence,<sup>92</sup> to rule or follow our passions.<sup>93</sup>

However, while the difficulty is thus pushed back one step it is not definitively removed, because no matter how far we may be able to go back through the stages of our inner actions, we will still have to stop at every step and ask ourselves whether a particular action is purely human, and therefore a limitation on divine action, or a creation of God, thereby absolving us of any blame.

If we have understood properly the Qur'anic position concerning the problem of free will, it is diametrically opposed to that of Kant. In opposition

to Kantian determinism in the phenomenal order the Qur'an posits the complete independence of our will in relation to acts of nature. In the noumenal order, however, this autonomy yields to a twofold or even threefold dependency in relation to the divine will. Not only with regard to its efficacy, but also to ensure that our efforts obtain results, our will is dependent on the agreement of Providence, or else our efforts are cut off from their effects. The husband who deposits the vital seed of his child does not create it or blow life into it.<sup>94</sup> The farmer who prepares his field and sows it, does not cause the seed to sprout or the sap to rise.<sup>95</sup> Not only in the very possibility of its existence, as a general faculty of choice, does our will depend on the initial act of creation, which is not ours, but the very particular fashion in which every will is exercised is effectively dependent in many ways on the authority of the Creator. If it had the means of freeing itself from supreme omniscience and omnipotence, there would then be as many kingdoms within the kingdom as there are reasoning beings in the world. The unity of the universe requires and proves the unity of its direction. God will not allow His work to turn against Him. Everything which happens under His gaze is subject to His control. If moral evil does not conform to His legislating will, it cannot go against His creative will. It is necessary, therefore, that the act of our will does not encounter some supernatural obstacle; it must obtain a kind of leniency from heaven.<sup>96</sup> Nobody who believes in Providence can object to what we have stated so far. Let us now proceed further.

Besides this negative agreement, this non-opposition, God has also surrounded our 'faculty of choice' with a powerful and complex apparatus from which all our decisions derive: our intelligence, senses, tendencies, attractions, spiritual values, the inner light of conscience, the outer light of revealed and non-revealed teaching. Any decision, good or bad, is like a debiting transaction out of this vast treasure which the Creator has put at our disposal in internal and external nature. There, the agreement is unanimous.

Now, as well as this universal deposit available to all, is there some special help which God has granted to some and refused to others? Do the good, the righteous and the elect enjoy as a privilege some sort of supplementary help when they make the right choice, whereas others are left to rely on general resources? Here is the controversy between the Sunnites, who affirm this, and the Qadarites (Mu<sup>c</sup>tazilites and Shī<sup>c</sup>ites) who deny it absolutely. In the eyes of the latter, such a privilege would be incompatible with divine justice. Why two sets of scales? Everything necessary to judge well and behave rightly must be, and is, available to all; it is for each one to organise and use this common treasure, according to his own responsibility and to his own praise or blame.

This view has truth in it. In order to safeguard celestial justice, it may seem indispensable to accept a minimum of human power as a universal and equitable distribution, which is necessary and sufficient to perform our duty and legitimise our responsibility. But why, in the name of this general principle, go against the evidence and pretend that the Creator has placed all

people in similarly favourable conditions for them to will what is good and surrender to the truth?

There is no need to be reminded of the diversity of innate characteristics and their various effects upon our judgements and decisions.<sup>97</sup> However, in a general way and in numerous passages, the Qur'an classifies people into two categories: those who go astray and those who are rightly guided, and it adds that both owe their respective states to the will of God.<sup>98</sup>

We point out that, according to the Qur'an, God intervenes in a positive, concrete manner towards his servants, at critical times, in order to remove from them bad temptations,<sup>99</sup> to prevent them from falling into depravity,<sup>100</sup> and to strengthen their wavering will.<sup>101</sup> At these times, God causes an intense light to shine in their eyes which increases their lucidity, puts bravery in their hearts,<sup>102</sup> makes their faith more beautiful to them and increases their love for it;<sup>103</sup> it makes them abhor unfaithfulness, impiety and indiscipline.<sup>104</sup>

To interpret these passages, the Mu'tazilites have recourse to various forced and confused processes. For either these specifications are meaningless, or they do mean that the particular care with which God guides his elect is different from, and superior to, the general measures taken by Him to teach all men their duties and enable them to perform them. It is as if, in response to two people who ask you the way, you give one the details of the route, and you give the other a lift in your car. Just as it says in the Gospel: 'Many are called but few are chosen',<sup>105</sup> we read in the Qur'an that the invitation to reside in peace is universal, but that guidance is reserved for whom God wills.<sup>106</sup>

This is why noble souls from all times have acknowledged that whatever good they might perform, they owe it to God and they always seek His help to continue in that way. Consider the examples of Abraham and Ishmael,<sup>107</sup> of Solomon<sup>108</sup> and Jesus<sup>109</sup> and all those who are immersed in knowledge.<sup>110</sup> This is why these great souls trust in the grace of the Almighty rather than their own strength.<sup>111</sup> This is also why the words of the prayer which Muslims must address to God every day, and several times a day, consist – after showing their human effort to submit solely to His mighty will – in immediately requesting His help to guide their steps on the right path.<sup>112</sup>

We can therefore confirm that the Qur'anic texts converge in favour of the Sunni doctrine, according to which there is another degree of dependence between our will and the will of the Creator. We can only do this, however, with at least two reservations, which the Qur'an suggests.

The first is that this grace which God grants to some and refuses to others cannot comprise any partiality or arbitrariness. Despite some extremely concise formulations which sometimes denote an alarming voluntarism:

*Allāh misguides whom He wills and guides whom He wills*

16:93; 35:8

the divine will shows itself to be regulated by the demands of an impeccable knowledge and justice. It intervenes in favour of people who are worthy,<sup>113</sup>

who will be grateful,<sup>114</sup> who thirst for it and whose hearts show themselves inclined to welcome it.<sup>115</sup> Those who, on the contrary, shut their eyes to the light and close their ears against salutary advice, God abandons to their blindness and deafness; for the Almighty never intervenes in vain.<sup>116</sup> In other words, He leads astray those who are depraved<sup>117</sup> and guides the one who returns to Him.<sup>118</sup>

The second reservation concerns the fact that, in any of these measures, positive or negative, it is not mentioned that the divine will affects our moral action directly, that it takes the human will captive or acts as a substitute. The positive contributions of grace are evidently as much of a support in helping our efforts. They are wings which enable our soul to fly. By making them see clearly things as they are, in making them love truth and virtue with all their hearts, God simplifies considerably the task of His elect, but He does not perform the task for them, the last word of their will not yet having been spoken. Similarly, when He leaves the unjust to walk in darkness, in the grip of certain difficulties, for them to search for a way out through their own efforts, it is not said that He necessarily determines their will to choose the easiest path.

The question which remains to be asked and which has divided the two Islamic Schools most clearly is: when God – after He has placed at our disposal these general or private resources – asks us to exercise our power of choice, does He stand away completely? Does He not play any part? Or does He bring a certain transcendental impulse, without our knowledge, which is direct and instantaneous: some help or some neglect; a strengthened or decreased supply of energy; an irresistible act of favour or disfavour, which turns the compass needle of our activity, determining its movement in one direction rather than another, without our ever suspecting it in the least? This is the question which the Qur'an does not answer in a clear and satisfying way; it even appears deliberately to maintain a veil of discretion, keeping its answer for a later time: when supreme reality becomes manifest, then God will bring His decisive argument.<sup>119</sup>

This is why the first Muslims and the wisest of their posterity did not think it worthwhile to engage in such matters which they considered both indiscreet and useless. It does not appear that, once reduced to these terms, the problem can be clearly resolved by any of our ordinary means; nor solely by the light of reason, because we must always go back to the antinomy mentioned above between divine justice and omnipotence; nor by the revealed teachings, because they are either silent or ambiguous; nor by experience, since one of the two terms of the relationship is beyond our capacity.

How can our responsibility be justified in a hypothesis which does not definitively exclude a determination which transcends our will at any stage where it is possible? All we can say is that it does not serve any purpose to use as an excuse this determination, whose existence we do not know at all, nor the direction from which it would be exercised if it existed. In truth, this question of transcendental determinism is only suitable for an intellectual

curiosity and does not concern morality, faith, or piety. Concerning morality in particular – since that is the object of our study – what is important to know is not what actually happens in the production of an action, but the way in which man views his actions, the claim by which he acts; in brief, his intention. Let us therefore examine our conscience when we are about to make a decision. Are we really concerned with knowing whether the resolute feeling that we have of our practical freedom corresponds to an absolute reality, or not? Not only does the interest we have in the object of our action absorb us entirely, leaving no room for such concern; not only does the question posed leave us indifferent and not change our attitude, but even if the illusory character of our feeling were to be proven, we would still be somehow engaged in the matter that has been decided. Is the decision that we have taken actually irrelevant to us? Has it not been suggested, dictated or imposed by some hidden, unsuspected power? Is God not its promoter? What does it matter? From the moment that, for a second time, with a second intention, we adopt it and countersign it, we act as associates with its true originator. Even if we are not the moral cause of the action itself, in substance and in quality, we are at least so in this 'quality of quality'. It is not because God may have willed us to will something that we will it. When we act, we have no intention of acting as instruments of God's holy will, since we know nothing of this divine will in advance. Leaving all other considerations aside, we accept it purely and simply as our own and thereby sign our agreement. So man becomes responsible in doing so, as if he becomes a debtor as soon as he surrenders his surety. We can now see why the Qur'an insists on proclaiming our responsibility before God, in the very passages where it seems to subordinate human will entirely to divine will.<sup>120</sup>

In all hypotheses, the principle of responsibility remains intact.

### 3 The social aspect of responsibility

*Personal, voluntary, freely performed (decided without constraint) with full consciousness and awareness of the law: such are the necessary and sufficient conditions of our responsibility towards God and ourselves. Do these conditions remain valid for our responsibility towards Islamic society, such as it was instituted by the Qur'an?*

We shall see how the Qur'anic position noticeably tends to change as soon as the matter concerns responsibility towards people. This is not to say that anyone is responsible for anything, but that the connection between the action to be judged and the responsible subject immediately loses its rigorous definition and no longer requires this set of conditions.

In the legal domain, we shall nevertheless have to distinguish between *restitutionary* (also called 'civil') responsibility, and *retributive* (called 'punitive') responsibility, the latter remaining closely related to moral responsibility, because of its limitation to the normal, adult man when he acts intentionally.

In his sociological study on responsibility, Paul Fauconnet attempted to demonstrate that this narrow limitation, which one finds in contemporary European societies, is historically quite recent. Firstly examining the conditions in which a subject could be selected as virtually responsible, the author has established through data (taken not only from so-called 'primitive' peoples, but from highly organised societies and up to a period quite close to our own), that children, the insane, and even animals and inanimate things, were often considered punitively responsible, and condemned as such. 'The criminal responsibility of an animal is not a primitive phenomenon which disappears in the face of civilisation. Rather the opposite is true. We find it in the three societies which have given rise to our civilisation: Israel, Greece and Rome.'<sup>121</sup> Thus, according to biblical dispositions, a bull which has killed is to be stoned, and its meat cannot be eaten. This measure is applied even if its owner is deemed guilty and put to death.<sup>122</sup> In his *Laws*, Plato states: 'If an animal kills a man, it will be killed and thrown outside the borders of the land; if an inanimate thing kills a man, it will also be thrown outside the borders of the land.'<sup>123</sup>

Similarly, in prehistoric Rome, the expected punishment for moving the borders of a field was to be applied to the ox as well as to the man,<sup>124</sup> but it is above all in Christian Europe that the criminal sanctions against animals reached their most complete development. Appearing first in France in the thirteenth century, court cases against animals spread like wild fire across Europe and continued until the eighteenth or even nineteenth century amongst the southern Slavs.<sup>125</sup> As for children<sup>126</sup> and the insane,<sup>127</sup> human conscience has not always considered it unjust to punish them more or less severely, especially in the case of murder or private vengeance against a whole family. In the law of the Twelve Tables, the responsibility of the pre-pubescent child is reduced, but not removed. All prepubescent children are subject to the same regulation. Subsequent to the Twelve Tables, a further development excluded all infants, but this evolution was late, perhaps contemporary to Hadrian's reign.<sup>128</sup> Still in eighteenth century England, a boy of eight years old was executed for murder or for arson;<sup>129</sup> and in France, judges were bound to pronounce the ordinary sentence for the insane, Parliament reserving for itself the task of moderating or removing the punishment. No extenuation could be applied in the crime of *lèse-majesté*,<sup>130</sup> whence the first conclusion: the limitation of the penalty for the normal adult comes at the end of a period of evolution in the course of which responsibility becomes less and less extended.<sup>131</sup>

Passing next to an examination of the circumstances which generate criminal responsibility being acted upon in different societies, the author makes us witness a second historical evolution of this idea of responsibility, which, objective as it was at the beginning, becomes more and more subjective. Noting some reservations which have been made necessary by the known facts, he concludes that, to the extent that a sanction preserves the law of the

talion, which means a regulated form of vengeance, or a system of compromise (*Wergeld*),<sup>132</sup> or a ritual expiation, the physical action may be reprehensible simply through negligence, or even purely accidental, brought about by chance and sufficient to engender the responsibility of the patient who supports it.<sup>133</sup>

Without doubt, in order to reach this general conclusion, Fauconnet had to study penal practice across an extensive period of history and over a wide area of territories, including societies with extremely varied structures, ranging from the Australian Aborigines and the Kabyle tribes to modern Europe, passing through China, Brahmanic India, Persia, Israel, Greece, Germanic and Roman peoples and Christendom. He notes, for instance, that in Dracon's system which prevailed in Athens until the Roman conquest, a person guilty of manslaughter would be temporarily exiled.<sup>134</sup> In the ancient Roman law of the Twelve Tables, the victim of a mutilation of one member caused by an unintentional offence can exercise talion law if he does not accept compensation.<sup>135</sup> In the Chinese code, someone who killed his father by accident would be condemned to one hundred lashes and exile.<sup>136</sup> In the Pentateuch, the person guilty of manslaughter was condemned to a kind of exile and the avenger was legally entitled to kill him if he left his place of asylum before the prescribed time.<sup>137</sup> In Canon law, severe penances lasting for several years were imposed to expiate involuntary wrongs committed through ignorance.<sup>138</sup> In England, up to the end of the nineteenth century, beyond the confiscation of all goods, the one who had committed manslaughter escaped punishment only through the ruler's clemency. This last condition also appeared in old French law.<sup>139</sup>

As we read through an equally extensive study that is 'without chronological, geographical, or ethnological limitations', a question comes to us: What is the idea which has presided over this selection of documents? Why one society, one era, or one area of a region and not another? Was Persia, rather than Egypt and Arabia, for example, a random choice? Why select Brahmanic India and not the other?

In his preface the author explains that he had limited his field of observation by including only those societies for which he could support facts with reliable documents. But are we really better informed about the customary rules of the Kabyles than about the written institutions of their fellow citizens; or about Australian tribes than their Indo-Dutch neighbours; about the Avesta or the Vedas or the Hammurabi code than about the Qur'an? We are indeed struck by the fact that, for the length of his study, from China to Morocco, from the seventh century up to the current day, the author is constantly brought in touch with Muslim societies, which he always takes care to ignore and to pass over. Yet the study of these societies, which represent a considerable number of people on this planet, does not present many difficulties or complications. There are several hundred million people, who have a certain homogeneity with regard to their fundamental law, live close to us and with whom Europe has constant economic and political relations. Perhaps

Fauconnet might have been personally ignorant of what Muslim law had said on this subject, although he makes only an oblique allusion to it.<sup>140</sup>

His motive for this systematic omission is of little importance. We say only that the serious lacuna left by this omission means that the two conclusions which the author wanted to present as a universal law are only an incomplete beginning.

On one hand, the limitation of criminal sanction against the normal adult person is not at all recent in the Muslim world; it is more than thirteen centuries old, and has not changed since its institution. 'Children are entirely free of responsibility until of marriageable age, the insane until they recover their mind',<sup>141</sup> said the founder of Islam; and animals with all the more reason.<sup>142</sup> The Zāhirite School goes even further in the interpretation of these texts. It intends not only to prevent these people from being punished, but also wants the owner of the offending animal or the people looking after children and the insane to be exempt from having to pay any compensation.<sup>143</sup> On the other hand, despite all the given restrictions, the generalisation in Fauconnet's second conclusion is equally demolished by the Qur'anic law. for in prescribing a payment and expiation in the case of involuntary manslaughter, the Qur'an protects the guilty person from any corporal punishment.

Without even mentioning Roman law, whose evolution seems to have developed in this direction, should not an exception at least have been made for this Islamic institution, which from its inception, and in the most direct manner, excluded all the aberrations mentioned about punitive responsibility? Noting this reservation concerning Fauconnet's universalised conclusions at the same time enables us to recognise the revolutionary character of Muslim law, which cannot be explained by any natural historical antecedents, unless we were gratuitously to suppose that in Arab antiquity, about which we are not well informed anyway, there had been some kind of evolution of which Islam was the apex, which had come to affirm the paradox that the Arabian desert was so favoured by nature that it commenced and achieved its social progress rather precociously and in advance of the rest of the planet.

We have said that, from the point of view of Muslim law, punitive responsibility remains close to moral responsibility. This is true in many respects, but is distinguished by some essential characteristics.

Firstly, although the internal action and the external deed are indissolubly associated in the mind, in any judgement of responsibility, either moral or punitive, the dominant element, the centre of gravity, so to speak, moves according to the point of view chosen. Morality is pre-eminently concerned with the internal action, which is absolutely indispensable to it. A purely physical action cannot in itself engender moral responsibility. A voluntary action can only do so according to its intentionality. Contrarily, a punishment always presupposes and applies to an external deed. By itself, without being accompanied by its physical expression, the wickedest intention, like the most candid, cannot determine a judgement of legal responsibility.



Ultimately, the predominant element can become the sole element; on the moral plane this is undeniable. When the will needs to manifest itself, it is not that the decision made internally is insufficient in itself to constitute a moral deed, but, as its enactment only extends, maintains and intensifies the decision (in the same way that, from a spectator's point of view, it verifies its degree of commitment and effectiveness), it brings new responsibilities, or rather it adds to and augments the responsibility already established.<sup>144</sup>

Is the opposite true in Islam? Can the purely objective deed lead to punishment? Undoubtedly we have seen how criminal judgement, in order to justify its retributive character, needs absolutely to invoke the pre-existing action of the will. Looking closer, when the judge calls upon the subjective element as a necessary condition for guilt, he only presumes that the defendant had bad intentions, deducing this from what has been gathered from external evidence and viewing it objectively. Were the magistrate even a saint, he would never presume to grasp directly the secrets of a conscience.<sup>145</sup>

The two types of responsibility are even more clearly differentiated in their results than in their starting points. If evil principally resides in the rule of the will, it is evident that the guilty person will be acquitted immediately as soon as he changes his attitude to the law, and he will be so in the eyes of the supreme Judge. The Qur'an is full of beautiful promises to those who repent. Is it the same for the sanctions which apply in this present life? Is repentance and conversion sufficient to protect the guilty person from the punishment which he must undergo? The Qur'an asks the question and answers it in the affirmative in one case only. It is the case of openly rebelling against justice. According to the seriousness of their crime, which is left by the Qur'an to the judge or the jurist to decide, rebels are liable for the punishment of death, amputation or exile:

*except for those who repent of their rebellion before you gain power over them.*

*Know that Allāh is Ever-Forgiving, Most-Merciful.*

5:33-4

Beyond the controversy among jurists raised by this text<sup>146</sup> as to the definition of which rights were abolished by this remission, it must be noted that it constitutes a unique case in Muslim law.

Ibn Ḥazm observes that it is true that, in his traditional jurisprudence which he taught in Iraq, Imām al-Shāfi'ī believed that this particular case could be applied more generally, and established as a universal principle that repentance prevents punishment, but, better informed on the tradition when he moved to Egypt, al-Shāfi'ī abandoned this opinion and, in his new law-school, adhered to the prevalent doctrine, which distinguished two kinds of responsibility in this regard, each belonging respectively to two very different Islamic statutes: one rules in this life on earth, the other concerns the supreme judgement in the life beyond. Repentance may be universally effective on the religious level without necessarily being so in the social realm.<sup>147</sup>

Tradition teaches us about cases of adultery where the guilty persons came spontaneously to admit their crime and insistently demanded the proper punishment. While acknowledging the greatness of their gesture and the immense value of their repentance,<sup>148</sup> the Prophet did not hesitate to punish them according to the law. The same applies to any crime committed against the person, the goods or the honour of others, where the guilty repents before being punished.

The inner attitude, which had been taken into account to impute the act, no longer counts when trying to stop the bad effects already produced. This is because various considerations, beyond the personal, intervene to determine the punishment. Regret, repentance and a good will recovered perhaps may be enough to correct the guilty person and to re-establish his respect for the law; they are hardly enough, however, to pacify the painful emotions aroused in people whose sacred right to life and safety have been violated. They will insure us against returning to the crime, but never against its example being imitated by those who are inclined to follow it. So besides the moral imperative and the abstract principle of justice, a dual necessity arises which, irrevocable, looks both at the past and the future, and requires the application of the punishment, even when morality could be satisfied otherwise: on the one hand, the legitimate claim of individuals particularly affected by the act and whose feelings have been hurt by the evil deed; on the other, even when there is no cause for reprisals, the maintenance of the general order and preservation of society against moral degradation, even against the encouragement of vice, supposing the guilty were to remain unpunished.

However, the distance between moral and legal status grows much wider when we pass from penal responsibility to civil responsibility; not that the subjective characteristic disappears completely, or that voluntary activity no longer remains the necessary condition for responsibility. This is not the case in Muslim law, and it is not necessary to put to us the example of the usurper who unduly appropriates and uses an object which does not belong to him and who is deemed responsible for anything that happens to this object, even if it is accidental and purely by chance, since, because his initial action was understood to be aggressive and ill-intentioned, it is altogether normal that natural consequences are also included. This case excepted, any direct responsibility requires from its subject some voluntary involvement in the harm inflicted.

So far, there is no difference between the conditions of restitutive responsibility and those of remunerative responsibility. The accident which happens through our intervention, but independently of our will, and in virtue of a *force majeure* (such as a collision between boats caused by the wind, or the fall of a player caused by the rope breaking which he was pulling with his partner) cannot cause any correctional or compensatory measure to be taken against us. An event of this kind is classed as 'null': *hadran*.<sup>149</sup> Thus, the confusion noted by Fauconnet in the Greek, Roman or Hebrew codes of law between a case of chance and a case of blame in good faith has no place in Muslim law.

Now, whereas penal responsibility, like moral responsibility, supposes that the intention goes against the law, civil responsibility is satisfied with just the existence of the will. It is there that one of the key differences between these diverse domains lies. While a wrong committed in error, inadvertently or through clumsiness, does not determine any punishment for its perpetrator, on the other hand, it imposes on him the obligation to make financial compensation to the victim. The Qur'an has set out the principle for manslaughter caused in error.<sup>150</sup> The tradition has included all wrong caused by accident against the person or the goods of other people. 'There are not even two people in the Muslim community', says Ibn Ḥazm, 'who would dispute that a man is responsible when he fires an arrow, aiming at some game, which hits a person or a property.'<sup>151</sup> Hence the civil responsibility of doctors, or, according to the *ḥadīth*, those who practise medicine before being licensed.<sup>152</sup>

Hence, also, according to the majority of Schools, a cattle owner who neglects to enclose and guard his herd is responsible when, owing to this negligence, they escape and cause damage to his neighbours' fields, a case known elsewhere in pre-Islamic history and referred to in the Qur'an.<sup>153</sup>

For the Zāhirite School, the responsibility incumbent upon man in a similar case is of an exclusively moral order. It consists firstly in the education and training of inconsiderate people, followed by the most effective measures of precaution, which will prevent the repeating of any injurious deeds.<sup>154</sup> That School systematically removes all indirect legal responsibility that might arise either from the spontaneous deeds of beings who are free from responsibility (children, the insane, animals) which they have not been encouraged to do, or from the deed of someone who, even if they have been asked to do it, they have not been forced to.

However we may view this secondary debate, in order to discover the objective element of civil responsibility in Muslim law, it is enough to see that the normal adult (a doctor, for example) is financially responsible for the damage caused directly by his voluntary activity, however well-intentioned it is, and where he is not subject to any human punishment or divine chastisement. Without doubt, moral responsibility is not completely excluded here. As the negligence already arises from a lack of attention, it must be considered as a transgression, or half a transgression; otherwise how would one explain the expiations required by the Qur'an in case of involuntary manslaughter, which is guilt by error?<sup>155</sup> As well as paying the prescribed fine due to the people affected, a Muslim who has unintentionally caused the death of a fellow Muslim will also have to free another Muslim who is a slave. The natural death of one will create a kind of substitute, by causing another to be born into the ethical way of life. Failing that, he will have to fast for two consecutive months,<sup>156</sup> although this negative lack of attention does not lead to the positive and penal incrimination of the external action, whose main objective characteristic is sufficient to incur the civil punishment.

Here is another derogation from the principles set out, a derogation which

demonstrates the contrast between civil responsibility and other kinds of responsibility. Whereas the latter always maintain their strictly individual characteristic, in the compensation awarded for wrongs caused by mistake, there suddenly appears a collective element so powerful that it tends to absorb the individual part.

The unfortunate person who, without wanting it, has caused the death, mutilation or wounding of another person, not only escapes all kinds of reprisals, but the damages claimed from him by the victims are also only a tiny sum. These damages will be shared among quite an extended group of normal adult males with whom he has natural or conventional links of solidarity, and he will have a share in the same way as everyone else. If there is not a large enough group to assure him of a substantial relief from that burden, it is the state which will acquit him instead.

At first sight, one may think one sees an accumulation of derogations within that type of responsibility. Looking more closely, one notices that the collective aspect only occurs here so as to lessen to a minimum the disadvantages of a real, albeit limited and attenuated, objectivism.

As we have seen, the complex nature of a wrong action committed by mistake places it exactly half-way between two extreme cases: the intentional action and the pure accident. If in some way it resembles both, in another way it differs from them. It is not reducible to either and cannot be treated in the same way. It must not, therefore, enjoy complete freedom from responsibility, nor be the object of a complete responsibility. In effect, as the intention was not evil, it is just to exempt it from the punishment. The existence, meanwhile, of a certain type of mistake distinguishes it enough from an accidental event (where only nature can be blamed) to legitimise the call for some human reparation; but who is to give this reparation? To impose it entirely on one individual – would this not mean willingly inflicting harm for an involuntary mistake, thereby widening the distance between social responsibility and moral principle? The participation of the community is a perfect means of appeasing any objection from the conscience.

This is not a kind of distribution of one single responsibility. The community cannot equitably be held jointly responsible for an unknown action for which one individual is hardly guilty and in which in any case it did not participate. However, from the semi-responsibility which is incumbent upon the individual arises a situation that for him is unfortunate and undeserved. Now the community is responsible for the relative well-being of its members, in the sense that it is not supposed to abandon those who are not the voluntary authors of their own misfortune to an unforeseen calamity. This is why Muslim states keep a fund to deal with individual debts.<sup>157</sup>

This solidarity is a kind of mutual welfare which, at times of difficulty, comes into effect among the people of the same community. Also, the sharing of the damages in question is not awarded in a mechanical fashion, with a numerical equality among the shares to be contributed. It must, on the

contrary, take into account each person's ability, and impose on him a share which is not going to adversely affect him.<sup>158</sup>

### Conclusion

By putting together the diverse elements that we have extracted in the course of this analysis, it is quite easy to reconstruct the Qur'anic notion of responsibility. The Qur'an has situated itself essentially on moral grounds. The conditions which it has established in that respect respond exactly to the legitimate demands of the conscience that is the most enlightened and the most desirous to see justice. It did not wait for the slow, painful elaboration through ancient and modern thought to reach this clear and well-defined position: responsibility depends on personality. Only a normal adult, aware of his obligations and with them in mind at the moment of acting, will be able to assume it. Once a person is defined in such terms, then they become answerable for the actions of their free will. Will and freedom are practically synonymous. No force of nature, whether internal or external, is strong enough to start or stop the inner workings of our will. Nature can deprive us of the material conditions for executing our decisions; it can deprive us of a gentle and affectionate temperament which would have made it easier and more enjoyable to make benevolent decisions; but it cannot spoil our capacity for this bold impetus that we can put into effect in spite of everything, even to the detriment of our pleasure. Even when yielding to an external constraint or a vital necessity, we do so freely, weighing the pros and cons and choosing according to what seems best, and we will be held accountable for this choice, whether it is good or bad. Finally, the Qur'anic principle of responsibility is an individualistic principle, which does not admit hereditary or collective responsibility in the proper sense of the word.

These principles, which have been adhered to most carefully, and from which have been drawn the most rigorous consequences in the moral and religious domains, have certainly known some exceptions in the legal domain, but nothing essential has been omitted. The voluntary action of the human individual endowed with reason remains the unique object of responsibility. The intention to do wrong also remains a necessary condition for punishment. When, for only a single time (in civil responsibility), a derogation has been made to this rule to satisfy other equally legitimate claims, it has been quickly followed by another derogation, intending to attenuate the effects of the first.

This shows that, even away from the proper moral field, and in the midst of the most immediate interplay of interests, the Islamic jurist has not lost sight of the fundamental principles of true imputability.

## SANCTION

The relationship between man and the law is presented to us in the form of a swinging movement, composed of three stages. With the notion of obligation we are at the point of departure, but with that of sanction the circle of this dialectical relationship closes; it is the last unit of a triad, and like the last word in a dialogue. The law starts by appealing to our good will, and obliges us to reply. As soon as we answer 'yes' or 'no', we bear our responsibility. Lastly, in response to this answer, the law interprets our attitude and gives its sanction.

Sanction is thus the *reaction of the law to its subjects' attitude*. We saw earlier how moral law is both an irresistible requirement of our soul, a rigorous imposition by the collective conscience, and a sacred prescription of the most perfect and holy of consciences. From that, we then considered the triple aspect of responsibility; and that also leads us to the three domains of sanction which we shall study in this chapter: *moral, legal and divine sanction*.

### 1 Moral sanction

The question of whether it is possible to have such a thing as moral sanction has often been asked. Are the two terms not radically incompatible? Do we not risk misinterpreting the absolutely impartial nature of moral law in proposing to human endeavour another end beyond the performing of duty for its own sake?

In our opinion, the question arises from an unfortunate confusion between ethics and morality, between the requirements of justice itself and the aims pursued by the will: these are two distinct elements which do not necessarily coincide. We do not actually see anything absurd in a law having rigorous sanctions without it inviting us to make these sanctions the motive for our actions. The law of physiology offers an example of this fact. Do the conditions of hygiene in which I live not automatically have an effect upon the good health or the illness that they bring about, even when I have not anticipated these results at all? Why should it be otherwise with moral law? You tell me that it prohibits us from fixing our gaze upon anything other than its majestic order. So be it! but nevertheless it can, indeed it must, keep various consequences for me which can be diversely applied according to whether I observe it respectfully or toss it carelessly aside.

Yes, a necessary and well-defined sanction must be implied in the very notion of law. A moral law whose execution or violation carries no result, whether positive or negative, upon the individual upon whom it is imposed, would be not only inefficient, but also arbitrary and unreasonable; it would not even be obligatory, meaning that it would not be itself.

All that needs to be known is of what this sanction consists that we designate as 'moral'. It is clear that we must exclude any idea of reward or punishment affecting our external senses. Such sanctions are not only unable to be called moral, but they are not even necessary, unless of course they refer us to another world where happiness and unhappiness are respectively in perfect harmony with good and evil; but while we still remain outside the realm of religion, the idea of such a world is completely foreign to natural ethics, whose limits do not go much beyond the bounds of the ordinary conscience. Now here, what vices are crowned with success! What virtues are weighed down by all sorts of miseries! We see this only too much, every day.

Are we also to leave aside the concept of purely internal rejoicing or suffering, just as we were able to support it before? Are the remorse or satisfaction of the conscience also feelings that are foreign to morality? Do they have no purpose by reason of the law? It is said that these feelings are only likely to be the refined vestiges of an objective idea of responsibility. If remorse is not the fear of punishment, it is the expectation of it.<sup>1</sup> Here is the crucial argument which has been emphasised against these susceptibilities, in order to banish them once and for all from the moral realm. Not only do these states vary from one person to another, but they may even disappear completely in some diabolical cases. They are not therefore the necessary consequences of the submission or disobedience to duty. From this is concluded the impossibility of any moral sanction, in the proper sense of the word.

However, let us understand the meaning of words. If by 'moral law' we mean duty in itself, the objective law which rules men independently of the states of their conscience, then certainly such a law can exist without producing in every soul the pleasant or painful feelings of joy and remorse. Simply, when these particular states have been excluded, this has not removed all the inner manifestations of the duty which has been performed or violated, and we shall soon see that every form of conduct, whether good or evil, gives rise to an appropriate inner state, which is both universal and necessary.

If by 'law' we mean a rule which is acknowledged and experienced by people, a law which is related to our lights and our feelings, then it is clear that after we have acted, the idea of duty cannot reappear on the stage of conscience without producing rather profound repercussions: the satisfaction to have succeeded or the sorrow to have yielded unworthily. If, by supposition, a wicked person feels nothing of the kind, if he has completely lost all sense of good and evil, what else can be said except that the law is meaningless to him? So the two terms are always together as a pair, they are inseparable, whether positively or negatively.

Is this to say that we go along with the commonly held doctrine, which considers that the remorse and satisfaction of the conscience is a sufficient penalty or reward in the moral law? Far from it. If all that we expect of the law, as a reward for our attitude towards it, is that it makes us feel joy or sorrow, then what a childish undertaking that would be! The joy or sorrow that we experience after acting well or badly are much less of a reaction to us from the law than a reaction of our conscience to itself. These are two natural expressions of this encounter, in our inner being, of two converging or antagonistic feelings. According to whether our sense of reality is in harmony or conflict with our sense of the ideal, either we enjoy a state of peace and repose, which comes from this internal equilibrium, from our being in agreement with ourselves, and we have above all an awareness of the power which we have been given to turn our ideas into deeds; or we suffer from this contradiction and failure of our power, as if our being is torn to pieces.

This purely psychological interpretation of our moral emotions harmoniously agrees with the texts. Instead of regarding these states of our soul as a reward claimed by our conduct, the Prophet sees them as the translation and the very definition of (moral) faith.<sup>2</sup> According to another *ḥadīth*, the degree of intensity of this inner reproach reflects and measures exactly the degree of sincerity of our faith. In fact, we feel acutely the enormity and seriousness of our sin, according to how acute is our sense of obligation.<sup>3</sup>

However, if remorse does not constitute a retributive sanction, can it not be considered as a restitutive sanction? Not any longer. What reinstates a violated law is not a feeling, but a new attitude of the will, which is repentance. Remorse is not repentance; it is only the prelude and preparation for it. Once the soul has yielded to temptation, there occurs in it a kind of *fissure*. In the burning heat of remorse it finds the means to *heal itself*, to make itself whole again and henceforth carry its burden with greater energy and strength. Unfortunately we do not always take advantage of this possibility which is offered to us. It is not rare, it is even too frequently that this renewed impetus is immediately allowed to come to nothing, that the fire ignited in a few moments is just as soon extinguished and remains without any result for the will, without any change in the behaviour. Repentance is therefore not the necessary outcome of remorse, it does not follow it as a consequence follows from its principle.

Remorse is the natural result of conflict, but it is not a sanction. Repentance is entirely the opposite: it is not a natural result, but a sanction, and a sanction that is properly moral which assumes the involvement of effort. It is a new duty, which the law imposes upon us because of our failure to perform the first one.<sup>4</sup> It is a duty so urgent, so immediate, that it does not allow any delay because of the risk that it will no longer be of use. Firstly, any persistence of the will in its erroneous attitude constitutes, at each moment, a new error.<sup>5</sup> One is deluded if one wishes to benefit from all the pleasures that are offered, while expressing one's repentance just once with one's final breath.<sup>6</sup>



Between the immediate repentance and obstinate persistence in the culpable attitude, there is a slothful solution which consists in regretting the past and postponing one's reparation until later. Here is the danger, for, in the words of the Qur'an, the forgiveness of a sin is only assured to those who repent immediately or in a short time.<sup>7</sup>

It is true that the Prophet interpreted this disposition in a way so as to allow it to extend to one's whole lifespan,<sup>8</sup> but precisely because no-one knows when their life will end, and as it often happens when least expected, it is only wise to be prepared for the time, meaning to be always ready to leave and to take account of oneself every day. Al-Ghazālī used to joke that 'While the sins are great in number, and the repentance is in credit, one can see a soul destined for damnation.'<sup>9</sup>

We say that repentance is a reparative sanction, but how can it be that a later attitude can redress another in the past? Everything depends on the definition that is given to the words. If 'to repent' only means to regret the evil that has been committed and to decide never to do the same again, that is clearly not sufficient to remove the effects of the deed that has been done. Now it is not in this sense that repentance fulfils its restitutive function in Islamic ethics. In this ethics, a much more complex attitude of the will is expected. It is an attitude that looks at the past, present and future and is manifested through actions, not only by adopting a new line of conduct, but also by the methodical reconstruction of the edifice that has been shaken. The expression of the Qur'an is very enlightening in this regard: to the injunction *tāb* ('turn back to God') it always adds others, like 'to correct, to put back in order',<sup>10</sup> or, 'to do good, to do it properly, and steadfastly'.<sup>11</sup> This is an ensemble of conditions which it makes indispensable to attaining the promised pardon.

The first test of a sincere act of repentance, the duty which is an urgent reality, and failing which the idea of repentance becomes contradictory, consists in immediately turning away from one's sin, meaning to cease the evil that one has been perpetrating. Then to complete this test two other positive actions: the reparation for the past and the institution of a better future. Even the idea of reparation remains a little confused, and cannot be defined as a single concept. It seems to change nature according to the kind of sin that is to be amended. When it concerns an omitted duty whose requirement remains to be fulfilled, reparation must consist in the actual re-establishment of the moral order. To make *reparations* means here to *correct*. Sooner or later the neglected action must be done and achieved properly.<sup>12</sup> However, in the case where actual harm has already been inflicted, how can the irreparable be repaired? Here appears another definition of the word. To make reparations no longer means to restore, but to *compensate*. If it is impossible to annul the crime itself, one can at least remove its effects by performing actions of an opposite nature. The Qur'an teaches us that:

*good actions efface bad*

11:114

It also declares that:

*others have acknowledged their wrongdoing, who have done some righteous deeds and some bad ones. Allāh may well accept their repentance . . . Take a gift from their wealth to purify and cleanse them and pray for them. Your prayers will bring relief to them.*

9:102-3

Tradition has, nevertheless, made a distinction between two types of errors to be effaced: those which violate a personal duty, which is called God's right: *ḥaqq Allāh*, such as luxuriating in pleasures; and those that injure the rights of others: *ḥaqq al-ʿibād*. Actually, God's right is in all our duties, either in its pure state, or together with another human right. Now, according to the Prophet, all the forms of repentance mentioned up to now can only remove our sins insofar as we have violated this holy law; if the offence also involves harm caused to our fellow human beings, reparation can only be made by incorporating a new element.

We may well regret the evil that we have done, pray God to forgive us, take the resolution never to do it again, try to counterbalance the bad deed with good works – all that is good and necessary and pleasing to God; but it still does not constitute complete repentance. Beyond contrition and conversion, we have to obtain a clear and precise acquittal from the offended party.<sup>13</sup> From the slanderer to the murderer, every person who has wronged another must make a confession, give himself up to his victims and submit himself to their decisions. If he fails to obtain an acquittal in this world, the Prophet warns him to expect them to demand a heavy compensation in the other world. He specifies compensation of a moral order, which will consist in a transfer from the offender's good deeds to his victims' account. Once these good works have been exhausted, and the debtor has no more to settle with his creditors, he will literally be 'bankrupt' and a reverse transaction will take place, with the sins committed by the victims being credited to his account, and he will repay them on their behalf.<sup>14</sup>

To take into account the particular seriousness that Islam attributes to our failure to uphold social duties, it suffices to read the *ḥadīth*, which divides errors into three categories. According to this *ḥadīth*, basic unfaithfulness aside, all human errors can be pardoned by divine mercy, except for those that are committed against our fellow human beings, and that remain subject to their agreement.<sup>15</sup>

Before leaving the concept of repentance, it remains for us to add two further remarks that can be found in the Qur'an. The first is that unbelievers who convert to the true religion are exempted from all reparatory measures for the past, as if this conversion into the true faith had the virtue of purifying all the sins that had preceded them.<sup>16</sup> The second remark is that the

efficaciousness of a repentance made sincerely according to the conditions required will not be destroyed by any eventual relapse (this being possible even with the firmest of resolve). Should the occasion arise, we must renew our efforts at amending our behaviour, without ever falling into despair.<sup>17</sup> However, in whichever form repentance is made, in the complex sense that we give it, it still only constitutes a restitutionary sanction, required of us by the law.

Does there not also exist a moral retributive sanction, which the law spontaneously exerts over us as a result of our attitude towards it? Yes, and well before the obligatory sanction, which it only prescribes for us in order to halt the effect of the moral sanction. Either the moral obligation has no meaning, or the practice of virtue and abandoning of vice have some real effect, whether it be conscious or unconscious, for or against us. Otherwise, submission to the law would only be a vain task, the demand of a despotic master making us work for the sole pleasure of making us work. If the discounted effect of our manner of living came to affect our sensibility in a pleasant or painful way, without deeply transforming our higher faculties, which would be like the case where a manager employs a thousand workmen and only pays the worst ones. No, this irresistible inner demand, which seeks to put us entirely at its service – body and mind, faculties of understanding and agreement, power of command and execution – and which seeks to rule and conduct everything in one particular way and not another, is a foolish demand, or else it must aim for and condition the greatest good of our entire being.

It may be asked whether it is man who was made for the law, or it is the law that was made for man; and the answer sometimes confirms the former, sometimes the latter suggestion. By our judgement, each assertion expresses an aspect of the truth, and both formulations are present in the Qur'an. On one hand God proclaims:

*I only created jinn and mankind only to worship Me*

51:56

but on the other, the Book also declares:

*Allāh does not want to make things difficult for you, but He wishes to purify you and to perfect His blessing upon you so that hopefully you may be thankful.* 5:6<sup>18</sup>

If the two formulations are brought together, with their relative truths, one will obtain the absolute truth. Man is made for the law; but the law is made for man; thus man is made for himself. The law is an end, but it is not the ultimate end. It is only a median term between man, such as he is, being born to morality or struggling for perfection, and man as he is meant to be, in possession of an integral virtue; between the ordinary man and the saint; between the soldier and the hero. The law is like a bridge between the two

banks of a river and we are both the point of departure and the point of arrival; it is a ladder firmly planted on the earth, but which promises those who wish to climb it to take them up to heaven. Instead of these static or mechanical images, let us rather borrow the dynamic imagery of the Qur'an. In two famous parables, the Qur'an compares truth and falsehood to two trees, one:

*a good tree whose roots are firm and whose branches are in heaven. It yields constant fruit* 14:24

the other:

*a rotten tree, uprooted on the surface of the earth, with no power to endure* 14:26

This comparison applies to practical truth and falsehood much more than those of the theoretical order. Fecund and beneficial, the act of virtue increases our value and raises us higher and higher. Evil and without success, vice makes us mediocre, vulgar or even uproots us from the human community.

Would you like some examples of what, according to the Qur'an, the practice of good or evil, in their different forms, does to the human soul? Here is a sample.

### *The benefits of virtue*

#### 1) Prayer

For those who practise it in its true spirit, the prayer has a dual moral function. Not only does it restrain indecency and wrongdoing, but what is greater still is that it puts us in spiritual contact with the universal Spring of all perfections.<sup>19</sup>

#### 2) Charity

Charity also has a dual beneficial effect: it purifies the soul by turning it away from excessive attachment to gaining wealth, and brings relief.<sup>20</sup>

#### 3) Fasting

Fasting has an eliminatory role: it keeps us from evil, protects us against the power of the senses and thus enables us to respect the law even more. It is a way of attaining piety.<sup>21</sup>

#### 4) Practice and wisdom

The constant practice of virtuous actions makes a man wise, brave in adversity and generous with his wealth.<sup>22</sup>

### *The evils of vice*

#### *1) Drunkenness*

The Qur'an depicts strong drinks and games of chance as a dual misdeed, namely: they *stir up enmity and hatred between people and debar you from remembrance of Allāh*.<sup>23</sup> Drunkenness is so disapproved of in Islam that it is called 'the mother of impurities',<sup>24</sup> and 'the key to all evils'.<sup>25</sup> When reason has left us, how are we to govern ourselves?

#### *2) Lying*

If there are some virtues and vices that are more conducive to moral good and evil, and in turn generate other virtues and vices, truth and falsehood are certainly of their number. The Prophet tells us that 'sincerity leads to virtue ... lying to vice'.<sup>26</sup> The Qur'an goes even further: not only does it say that lying is the chief of all depravities, but it also presents it as the characteristic of an unfaithful soul, and therefore incompatible with (moral) faith.<sup>27</sup> The Prophet, in turn, extends this incompatibility to all gross vices and deadly sins, at least from the moment that they are perpetrated.<sup>28</sup> At that moment, he tells us, faith is banished to the bottom of the heart and in the criminal or debauchee there remains only a vague idea of it, like a shadow floating above his head,<sup>29</sup> but we shall not engage ourselves with the texts of the *sunna*, which will take us too far from our subject, and we return to the Qur'anic text.

#### *3) Behaviour and intellectual faculties*

It is not enough to state that good purifies the heart and fortifies and strengthens the good will, or that evil corrupts and contaminates the soul. Their action extends further. They have repercussions and reverberations even upon the intellect. The unruliness of caprice leaves rust on the mirror of the heart and twists its conception of the truth,<sup>30</sup> whereas the equilibrium of probity enables man to discern the true and the false, good and evil.<sup>31</sup>

#### *4) The entire soul*

Thus, all of our faculties receive their share of moral sanction. It is therefore our entire soul which is to be redeemed and perfected, or darkened and degraded.<sup>32</sup>

In a word, retributive moral sanction consists in *merit or degradation*; that is, in the gain or loss of value. *The book of the truly good is in 'Illīyyūn*; that of the dissolute is relegated to *Sijjīn*.<sup>33</sup>

### *2 Legal sanction*

When one passes from morality to legality, retributive sanction already loses half of its meaning. Of its dual remunerative and repressive aspects it only retains the second. 'Sanction' here means essentially punishment in its wider sense, to include penalties imposed by criminal courts.

Like any other civilised collectivity, Muslim society does not award material prizes to those who perform their normal duties. These people are content with a kind of negative sanction, which consists in being placed under the protection of the law, to guard their lives, their bodies, their goods and honour against any attack; and also with a common sanction in public opinion, which treats them with the respect, esteem and praise that they deserve. Finally, they will enjoy a civic capacity which only a correct, decent and honest life can procure for man and which permits him to play an active role in the direction of community affairs, or in the distribution of social justice, for, according to Islamic law, dissolute morals, frivolous behaviour, an indecent bearing and fondness for pleasures, even innocent ones, make a man unworthy to be witness in court, or to fulfil the role of a judge, or *a fortiori* a head of state.

When approaching the study of the penal system in Muslim law, we must distinguish between two different categories of sanctions: there are some that are fixed rigorously by the law, which are called *hudūd*; and others, called *ta'zīrāt*, are left to the discretion of the judge. The first decides upon a small number of crimes:<sup>34</sup> rebellion, theft, drunkenness, indecent assault and false accusations of indecency. All the others belong to the second class.

That which best characterises the first category is not the fact that penalties are clearly defined as to their type and quantity, but more that they take on an absolute character. In this sense, their application does not depend upon the state of the guilty party (whether or not it is a repeat offender, who is likely to make amends or be intimidated into good behaviour), or upon the feelings of their victims. The latter have the right not to prosecute the criminal, either because they forgive his aggressive act completely, or because they come to an amicable arrangement, in which case there is no need for a legal sanction; but as soon as the crime comes to public knowledge, which means that it has been brought to the knowledge of the competent authority, the persons involved cede their right, the sanction now being irrevocably required in the public interest, and it must be applied without pity. No compromise is acceptable in these matters.

The story is told of a lady belonging to Arab nobility who committed theft and with regard to whom the Prophet, in the most forceful terms, established the principle of equality of all before the law. Pressed for clemency by one of his best Companions, he rose to his feet and uttered the following brief words: 'Men, your ancestors were so misguided that they used to leave the nobility unpunished and apply penalties to the weak only. But I swear by the name of Allāh, that if Fāṭima, daughter of Muhammad, had stolen, Muhammad would have cut off her hand.'<sup>35</sup>

Here is another, more instructive instance: responding to the call of the Prophet, when he invited the oppressed Muslims living outside Medina to come to settle in the Islamic capital, Ṣafwān ibn Umayya left his native city and came to reside near the spiritual leader. On his arrival, wishing to rest a

while in the mosque, he lay down with his coat folded under his head as a pillow, and fell asleep. A thief thought it a suitable opportunity to rob him of his coat, but suddenly awaking, the guest of the mosque ran after the thief, caught him *in flagrante delicto* and led him to the Prophet, who ordered his hand to be cut off. Filled with pity for the man and regretting having exposed him, Ṣafwān said: 'Messenger, this is not what I wanted. I give him the coat as alms.' But it was too late. The Prophet replied: 'You should have made your decision before coming to me.'<sup>36</sup> Thus, forgiveness for these kinds of sins can only be applied in private. Once the public authorities have been asked to take action, the *ḥadd* sanction becomes irrevocable. It is mentioned elsewhere in another prophetic tradition.<sup>37</sup>

In Muslim law, theft is punishable by amputation of the thief's hand, according to the actual terms of the Qur'an.<sup>38</sup> Banditry is punishable by death, amputation or imprisonment.<sup>39</sup> The punishment prepared in the Qur'an for the fornicator is one hundred lashes.<sup>40</sup> It must be added that, according to the *ḥadīths*, exile should also be enforced for one year. At any rate, the death penalty should be excluded from this domain, if one abides by the terms of the Qur'anic disposition, which we will explain, and which do not distinguish between married and unmarried offenders. However, the tradition of the Prophet and his Companions did then establish a difference, according to which married persons who engaged in adultery were to die the most ignominious death. It must be noted that the way in which the Qur'an expresses itself seems to open the door to this measure as though to a period of legislative evolution with regard to this. At the beginning, the sanction provided by the Qur'an for adulterous women was imprisonment:

*until death releases them or Allāh ordains another procedure for their case*      4:15

It was in order to determine this issue that an ulterior prophetic disposition was given.<sup>41</sup> Finally, the slanderer deserves nearly the same tariff as the one who commits sins of the flesh, whom he defames in front of others: 80 instead of 100 lashes.<sup>42</sup>

As for the penalty for wine consumption, none is mentioned by any text in the Qur'an, or in any of the Prophet's words. However, during the Prophet's lifetime the prevailing custom was for a number of the faithful to gather around the drinker and hit him with sticks, sandals, etc. After the death of the Prophet, the first caliph gathered the main Companions in council, to recall the approximate number of strikes inflicted on a drunkard and they evaluated it at about forty (hits with pairs of shoes). A second council under °Umar fixed it at eighty lashes (replacing each hit of the shoe with a lash of the whip). Among the council members, °Alī reasoned thus: 'When a man drinks, he gets drunk; when he gets drunk he speaks out of turn; when he speaks out of turn, he offends his fellow men's honour. I am of the opinion that the same penalty should be applied to him as to a slanderer.'<sup>43</sup> Besides him, °Abd al-Raḥmān ibn

Awf saw this figure as the minimum solution that one could devise, since it was the lowest penalty ever mentioned in the Qur'an.<sup>44</sup> In this twofold way, both rational and traditional, the Companions of the Prophet came to the same result and, as a rule, their consensual decision became the force of law.

We immediately acknowledge that, apart from the exceptional measures against banditry, the contemporary conscience is genuinely shocked by the extreme severity of the penalties which Islam means to impose on some personal misconduct or common offences. In a century where we have such delicate feelings that we have more and more of an aversion to inflicting physical pain on the most monstrous criminals, how could we possibly accept, without trembling, the cruel sufferings to which those with a weak will should submit when they err in their private or public life? Also, and thanks to their contact with the European world, several Muslim societies have long since stopped using these penalties.

However, it is a question of whether this extreme sensitivity has solid foundations in reason, or whether it is in the real interest of individuals and the community. What does our hesitation to punish mean? Is it not that, in the conflict between the violated law and the right of the individual who transgressed it, we attach to him a greater importance, or we accord less value to the former? Why, if we are threatened by an enemy, whether internal or external, do we show no hesitation in striking him with the hardest blows and planning the cruellest forms of repression, even death? It is because our strong preservation instinct, which occupies a privileged place within us, pushes our normal feelings of sympathy and human fraternity to the background. Our reaction to a sanction measures exactly the action which exerts upon us the idea of the sanctioned duty. Thus, the common conscience that does not hesitate to punish severely the transgression of any of its members denotes less a lack of sensitivity to human suffering than an incomparably deep veneration, a religious respect for the law which has been transgressed. Measure from this the distance which separates the contemporary moral conception from that of the first Muslim society. How greatly was the latter affected by the sacred bond of conjugal fidelity! With what indignation did it rise against the betrayal of a spouse! With what contempt did it regard the worthlessness of the thief, the brutishness of the drunkard, and the baseness of the slanderer! Actually, this community was not incapable of sympathy and human compassion, but it had to silence these sentimentalities and look beyond them for the sake of discipline.<sup>45</sup> As for the respect for the human person, as for the right of the individual to live in safety, it is understood that these can only be claimed by those who diligently safeguard their human dignity. Impropropriety not only causes the individual to lose his value, but it also renders him vulnerable, and he must look to himself for this vulnerability, since he himself tore his protective veil. Listen to this deep reflection of an Arab poet:



If a hand which was unduly amputated merits an indemnity of five hundred dinars [gold coins], how is it that it can be amputated legally when a thief steals only a quarter of a dinar?

It is because the nobility of honesty endows the hand with value, whereas, in the opprobrium of perfidy its value is low.

We must add that the extreme severity towards theft is only apparent and theoretical. In practice, the more the punishment is exemplary, the rarer the need for its application. The seriousness of the sanction makes the crime less attractive and discipline does not have to overcome great obstacles in order to rule as mistress. For proof of this, one has only to consult the criminal records in countries where theft is punishable with fines, reparative damages or imprisonment, and in other countries like Saudi Arabia, where the Qur'anic sanction is still vigorously applied. There are innumerable cases in the former, whereas people are almost faultless in the latter. One could say that they are of a different nature. I personally had the opportunity to visit the Hijaz at the beginning of 1936. Indeed, everywhere that I went, I was struck by the contrast between that country and ours. Not only in the cities, but also in the mountains or the desert, there was not a single incident of robbery attempted, suspected or feared. A piece of luggage left on a deserted road could stay there forever, without anyone daring to touch it, even out of curiosity. Yet everything should have encouraged theft: the poverty of the mountain people, the wealth of the tourists and pilgrims, the lack of means of communication and the almost total absence of the police on the route; but it was enough to have some striking, if somewhat excessive, examples made by Ibn Sa'ūd at the beginning of his reign for him to put an end, once and for all, and as if by a miracle, to any attempt at theft or larceny in his vast kingdom.

It remains that, despite the great immorality of adultery, the manner in which the *sunna* means to punish it does not allow us to be aggressive, stoning a human being as if he were a rabid dog. A few remarks here might be able to soften this revolting aspect.

In the first place, the Qur'an has surrounded the legislation on the sin of the flesh in general with so many precautions that the establishment of the crime is very difficult, if not practically impossible. The informer who cannot support his testimony by bringing forward four upright, reliable people, who agree not only that a woman was with a stranger in the same room, but also on the description of precise details, will himself be punished with eighty lashes as a false informer, and excluded henceforth from the list of reliable witnesses in other cases.<sup>46</sup> This is why not a single case of adultery can be found in the Tradition to have been condemned on the basis of a testimony. Judgement has always followed spontaneous admission from the guilty person.

Even a spontaneous admission – and this is our second point – is not

sufficient to determine condemnation. It must still be ascertained that the person who confesses knows exactly what he is saying (which means that it is not, for him, a metaphorical expression, like adultery committed by the eyes or the heart, or a conjugal act forbidden during a specified period, as it is in Ramadan). The confession must also be maintained until the end, and not invalidated by a subsequent recantation, whether explicit or tacit. Many legislators, taking the case of Mā'iz as a general rule, only specify the condition, after the confession has been made, that it be repeated four times, replacing the four testimonies.<sup>47</sup> Beyond any variation in details, a general rule remains uncontested, which is that an individual's innocence comes first. Islamic law makes the life of the human being, his body, his goods and his honour 'strictly sacred'.<sup>48</sup> One can only depart from this primary certitude by another certitude to the contrary. It means that all reasonable hypotheses favouring the defendants should have been exhausted, so that no one is condemned whose innocence might have been invoked by any valid reason.<sup>49</sup>

This leads to our third and last remark, which touches the very heart of the problem. It is not that Islamic law makes no attempt at uncovering private offences; that it does not invite, or compel anyone to confess them. The truth is that the two main sources of Islamic law are not content here just to remain silent; they take a positive and clear position.

On the one hand, the Qur'an formally forbids us to spy on the secrets of our fellow human beings.<sup>50</sup> Thus half the means used by informers is cut off. Only the vice which flagrantly exposes itself becomes a matter for the courts. With the man who hides and trembles in fear while obeying his passions, any deed which is neither self-evident, nor revealed by its perpetrator, will belong to a tribunal other than that of men. The way that he will be judged is beyond our present understanding.<sup>51</sup> Even if, without seeking it out, I catch somebody stealing from me or committing a private, immoral act, and I arrest him *in flagrante delicto*, I am not bound to bring him to justice.<sup>52</sup> At the most, we must do so with discernment and appreciate the circumstances in which he acted. While it may be preferable for the greater good of all to bring a serial offender to justice, the unfortunate person who has committed the occasional sin through weakness deserves to be protected by our indulgence.<sup>53</sup>

On the other hand, the Prophet often criticised the dangerous tendency of those who, having sinned in secret, then happily or carelessly chat about it, expanding on the story of their exploits.<sup>54</sup> What good does it do to ask others to witness your crime? Why add to immorality by cynically announcing it, instead of hiding your sin as you would your nakedness? What madness it is to bring upon yourself men's contempt, as well as that of God and your own conscience; to add to a moral evil a physical evil which is so particularly awful! Some do it deliberately and with full awareness of their action; some come to demand their proper punishment, to satisfy a pious need to repent, and to endure stoically the harshest pains. Far from seeing it as a terrible thing, they experience a deep, salutary joy, a means to expiate their moral turpitude. For

the latter we have great sympathy; we even have profound admiration for their heroic gesture. Also, after the reluctance with which the Prophet listened at first to Mā'iz's confession, he finished not only by capitulating to his insistence, but also by praising his courage and acknowledging the highest value of his repentance.<sup>55</sup> He also extolled the martyrdom requested by the woman from the tribe of Juhayna.<sup>56</sup>

It is therefore not the law, but each individual person who, at the end of the day, can be severe or indulgent towards themselves.

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Except for these few crimes and misdemeanours, any other infringement of the moral or social law is liable to various correctional punishments, but which Muslim law has not specified, and for which it has taken care not to indicate any tariffs.

Certainly the death penalty and amputation were eliminated from correctional punishment by common agreement, with the former reserved for murderers and adulterers, and the latter for thieves and bandits. So excepting this negative definition, there is no positive definition of the measure to be taken for each kind, still less for each particular case.

Whereas, for fixed sanctions, the task of justice is strictly limited to the establishment of facts, which, once they are given, automatically call for their punishment, here the attention of the tribunal is brought to a secondary phase, which is no less important: choosing a suitable penalty. The judge's discernment seems to have free play in this choice, but his freedom is actually a heavy responsibility. With many considerations having to be taken into account, and an element of proportionality taken before intervening, the judge is to fulfil exactly the role of a therapist. Paying attention to the sick person's character, the physical and chemical properties of medicines, the conditions of the time and place of the treatment, the doctor must find the most efficient and least invasive formula for each case. Similarly, considering the seriousness of the betrayal of duty, the character of the accused, the circumstances of the offence, the feelings of his victims (when it is a matter of an offence committed against someone else), the penalty must vary accordingly, from the simple, private reproach to a more or less serious public reprimand, to prison sentences of varying lengths, to a varying number of lashes, which must not be greater than that of the fixed sanction (although this is a controversial point). Not only are these penalties all liable to different reduced forms according to the case; not only will the reprimand itself be confined to a piece of well-meaning advice or an impartial instruction, but in extreme cases the judge will have the right, perhaps the duty, to acquit, purely and simply, the rare sins of a man of good character. In a tradition attributed to the Prophet, we read 'Raise virtuous men from their error', although this is not considered sound.<sup>57</sup>

3 The Qur'anic system of exhortations and the part played by divine sanction  
 So far, we have considered the Qur'anic legislation on moral and legal sanctions. Despite their difference in nature and contrast in their fields of action, methods and aims, one acting directly upon the human soul and aiming at the absolute, the other only touching our external senses and aiming at the social order, both types have one thing in common: they belong to the here and now, and are exercised in our present life. We are going to study the nature and extent of divine sanction and explain what part it plays in the system of Qur'anic moral education.

According to a fairly widespread idea in the non-Muslim world, it was not very difficult for Muhammad to convert the Arab people. The torrid heat and the harsh conditions of life were only efficacious means by which he could attract his people to a better life: 'Do what I command you', he said to them, 'and God will give you flowing rivers and gardens where you will eat and drink your fill.' Not only does popular literature abound with this theme of 'Muhammad's Paradise', but even historians and philosophers<sup>58</sup> have picked up the same refrain, and have not escaped the influence of these popular ideas, which are second-hand reports and most commonly known through hearsay.

Those who are familiar with the history of the Arabo-Muslim world are always astonished at the way these things are presented and can at least say that they are based upon distorted information. The portrait that is offered, depicting the Arab people of the day as excessively materialistic, so manifestly dispenses with the reality that it neglects the essential trait of this people, known at all times for their extreme sobriety and frugality, as well as their chivalrous and exalted poetic mind. What features too little, as well, is the part played by Islamic idealism and disinterested views.

As for us, we do not intend to investigate such general considerations. To settle the question, the simplest and fairest way is to refer to the text itself. Reading the Qur'an will show us better how it imposes moral obligation and we will realise that the formulation which emerges is too complex to be reduced to the vulgar image mentioned above, which some people wish to attribute to us. But a preliminary comparison with the Holy Bible, as it has been preserved by the Christian tradition, will be useful for demonstrating the complexity and richness of the Qur'anic conception of this subject.

#### *Biblical modes of exhortation*

If we first consult the Old Testament, we see the kinds of penalties and rewards which are established in order to sanction divine commands. Except for some extremely rare passages,<sup>59</sup> where moral good is proposed as an end in itself, commands are motivated as follows.

Speaking to the first human family about the forbidden fruit, God says: 'You shall not eat from the fruit of the tree that is in the middle of the garden, nor shall you touch it, or you shall die';<sup>60</sup> then to their eldest son Cain, murderer of

his brother Abel: 'Now you are cursed by the ground . . . When you cultivate the soil, it will no longer yield to you its riches.'<sup>61</sup> Later, when the people on earth became corrupted and were punished by the flood, God blessed Noah and his sons, saying: 'Be fruitful and multiply, and fill the earth.'<sup>62</sup> And Abraham's submission to the divine will of God – was it recompensed by anything other than earthly riches? 'I have sworn by Myself, the Word of the Eternal: because you have done this, and have not withheld your son, your only son, I will indeed bless you and will make your offspring as numerous as the stars of heaven and as the sand on the seashore. And your offspring shall possess the gates of their enemies.'<sup>63</sup> Since then, these ideas have become familiar to us and they constitute the essence of the blessing consecrated to Abraham's descendants. Isaac blesses Jacob in these terms:

May God give you of the dew of heaven,  
and of the fat of the earth,  
and plenty of grain and wine.  
Let people serve you,  
and nations bow down to you.<sup>64</sup>

In the same way, God says to Israel (Jacob): 'Be fruitful and multiply; a nation and a company of nations shall come from you, and kings shall spring from you. The land that I gave to Abraham and Isaac I will give to you, and I will give the land to your offspring after you.'<sup>65</sup>

Finally, we come to Moses, who only developed the same theme in order to exhort the children of Israel when transmitting the divine promises to them: 'You shall worship the Lord your God, and I will bless your bread and water; and I will take sickness away from you. No one shall miscarry or be barren in your land; I will fulfil the number of your days. I will send my terror in front of you, and will throw into confusion all the people against whom you shall come.'<sup>66</sup> Later on again:

If you follow My statutes and keep My commandments and observe them faithfully, I will give you rains in their season, and the land shall yield its produce, and the trees of the field shall yield their fruit. Your threshing shall overtake the vine, and the vine shall overtake the sowing; you shall eat your bread to the full and live securely in your land. And I shall grant peace in the land and you shall lie down and no one shall make you afraid; I will remove dangerous animals from the land and no sword shall go through your land. You shall give chase to your enemies and they shall fall before you by the sword . . . But if you do not obey me, and do not observe all these commandments . . . I in turn will do this to you: I will bring terror on you, consumption and fever that waste . . . You shall sow your seed in vain, for your enemies shall eat it. I will set My Face against you and you shall be struck down by your enemies.<sup>67</sup>

And later on again:

If you heed these ordinances by diligently observing them, the Lord your God will maintain with you the covenant of loyalty that He swore to your ancestors; He will love you, bless you and multiply you . . . You shall be the most blessed of peoples, with neither sterility nor barrenness among you or your livestock. The Lord will turn away from you every illness . . . You shall devour all the peoples that the Lord your God is giving over to you.<sup>68</sup>

Faced with the abundance of this unique order of ideas, one is entitled to ask whether, when singing this hymn: 'In Your steadfast love You led the people whom You redeemed; You guided them by Your strength to Your holy abode',<sup>69</sup> Moses ever had understood anything else by the word 'abode' other than the promised land of Jordan, the country of the Canaanites.

This is the explanation that another passage gives us: 'You shall seek . . . His [God's] habitation to put His name there. You shall go there bringing your burnt offerings, your sacrifices and your tithes.'<sup>70</sup> Thus, from Adam to Moses, there is no allusion to any life after death, as if the belief in a future life were not included in their dogmas.<sup>71</sup>

But we turn the pages, and arrive at the New Testament. We hear a very different tone here. One has the feeling that one has passed from one extreme to the other. Our attachments to this present world, with its riches and grandeur, are severed; for us they are shackles of which we must be rid; our eyes are no longer fixed on this earth, but constantly turned towards heaven. 'If you wish to be perfect, go, sell your possessions, and give the money to the poor, and you will have treasure in heaven; then come, follow me',<sup>72</sup> said Jesus Christ to a new convert. To his disciples, he declared:

And do not keep striving for what you are to eat and what you are to drink, and do not be anxious, for it is the nations of the world that strive after all these things, and your Father knows that you need them. Instead, strive for His kingdom, and these things will be given to you as well . . . Sell your possessions, and give it in alms. Make purses for yourselves that do not wear out, an unfailing treasure in heaven . . . For where your treasure is, there your heart will be also.<sup>73</sup>

The same teaching was later given by Jesus' disciples. Saint Paul said to Timothy:

As for those who in the present age are rich, command them not to be haughty, or to set their hopes on uncertain riches, but rather on God, Who gives us everything in abundance . . . and to store up for themselves a treasure placed upon a good foundation for the future, so that they may seize the true life.<sup>74</sup>

And: 'Do not love the world or the things of the world at all ... And this is what He has promised us, eternal life.'<sup>75</sup>

In this way, except perhaps in one passage where Jesus promises a double reward, in the world to come and also in the present one (an addition which is found in Mark, 10:30, but which does not exist in Matthew, 19:29) all evangelical hope is placed in the world beyond, in life after death.<sup>76</sup>

### *The Qur'anic system of exhortations*

We are now in a better position to study the Qur'anic teaching and to establish its relationship with that of the Bible. We shall see not only that the Judaic thesis and its Christian antithesis are reconciled in a happy synthesis, but that new elements integrate and increase it in richness and depth.

Proceeding with a general statistical approach,<sup>77</sup> we have firstly been struck by the rarity of Qur'anic precepts which are not based on anything except the authority of the command. The Kantian formula which founds obligation upon the pure, matterless form: 'Do this because it is prescribed', is not very usual in the Sacred Book of Islam. We find it in about ten passages, all of the post-Hijra era (10B),<sup>78</sup> but the absence of an explicit motive does not necessarily exclude one that is implicit. It is true that faith requires unconditional submission to divine commands,<sup>79</sup> however harsh and tyrannical they may appear.<sup>80</sup> It is no less true that, in the name of this very faith, one presumes that beneath this appearance there is a hidden reason or a beneficial effect, even if they are not well defined.<sup>81</sup> Far from taking an arbitrary, dictatorial tone, any divine command which appears not to have a motive is presented with scientific and wise qualities that are convincing enough to gain the complete acceptance of our conscience.<sup>82</sup>

Except for this kind of categorical imperative, we will see that Qur'anic commands rest on very different bases, which can be divided into three classes: internal justifications, considerations of attitude, and considerations of consequences. We shall now proceed to examine these three categories in turn and we shall try to examine their content and how each relates to the whole.

### *A Internal justification*

I call 'internal justification' the reference to a moral value inherent in a particular obligation, which provides it with a rational foundation; the value is positive when it concerns a command or its enactment, and negative when it concerns a prohibition or an act of disobedience; the value is objective, like truth and falsehood, justice and injustice, or it is subjective, like insight or blindness, or the purity or impurity of heart.

Three modalities are possible from the inherence of the value in the object, and it is not difficult to recognise which part is attributable to each of them in the references that we are about to group under this rubric. The object may take its value from its own particular nature, or it may owe it to a previous

state of which it is the effect, or to a subsequent state of which it is the cause. This means that when we judge the object we give it a certain value, either because of the values that it possesses in its own meaning, or because of those that it reflects in recalling its origin, or those which it produces and embodies. It is through a deep and extensive analysis of both sides of any action or rule that one may assess its value completely, sometimes by considering the thing in its actual state, in its determined agreement, sometimes by showing the course of its inception, sometimes by going to its immediate or distant effects. In all cases, as it is a matter of ethical judgement, the value referred to must possess the same quality as the object, and their link must appear to be a natural – I would say analytical – relationship, not only a conventional relationship, provided by legislation.

The texts to which we shall refer shortly have been selected in order to respond to this double criterion. They form considerably the largest, purest and most objective method of preaching in the Qur'an. We are urged to morality by and for morality. The fact that falsehood and evil pass away and lead to nothingness is not even mentioned; or that truth and good remain and bear everlasting fruit (as in parables 13:17 and 14:64). Attention is drawn essentially or exclusively to their intrinsic characteristics as such.

The list of our references would have been longer if we had proceeded with a more rigorous selection. Firstly, we restricted ourselves to choosing solely what belongs to the Qur'anic teaching in the narrow sense of the term, leaving aside the previous teachings that it cites.<sup>83</sup> Then, we have only taken texts which, we believe, do not give rise to some equivocation.<sup>84</sup> Lastly, when internal justification does not exclude other considerations, we have only included texts where the intrinsic element is predominant.

Most of the time, the justifying principles which the Qur'an intends to use are employed in the form of a commentary; sometimes they are the very object of the commandment, thus, by calling things by their proper name, it serves both as a motive and as a command that has a motive. That said, we shall now see how, whilst preaching its general doctrine, the Qur'an intends to show what it actually is and what it is not, to repudiate any defects which are cast upon it by every false or self-interested doctrine, and to affirm the proper qualities in order to convince all truth-loving minds.

As it proclaims, it is not a profit-making business; it is not an institution designed by its founder to make him rich.<sup>85</sup> It is not a discipline which rules by constraint, but a message to be transmitted, a teaching offered to a free consent.<sup>86</sup> Neither is it the work of a poet,<sup>87</sup> or a diviner,<sup>88</sup> or a dreamer.<sup>89</sup> It does not arise from madness,<sup>90</sup> or from satanic inspiration,<sup>91</sup> or deceitful inventions,<sup>92</sup> nor the expression of any capricious desires.<sup>93</sup> It is the divine light,<sup>94</sup> which shows the right way<sup>95</sup> and puts you on the right, or the straight path.<sup>96</sup> It is the best discourse.<sup>97</sup> It is the established doctrine,<sup>98</sup> serious and decisive,<sup>99</sup> conforming to pure nature,<sup>100</sup> and to the middle path.<sup>101</sup> It continues and confirms the correct tradition.<sup>102</sup> It constitutes justice,<sup>103</sup> truth,<sup>104</sup> evidence,<sup>105</sup>



science,<sup>106</sup> wisdom,<sup>107</sup> unshakeable steadfastness.<sup>108</sup> It provides healing to hearts,<sup>109</sup> ennobles the soul,<sup>110</sup> and life (in its most sublime meaning).<sup>111</sup> These are the characteristic features of the general doctrine (209A, 80B).

If we now proceed from the whole to the particular, from the general doctrine to specific precepts, we shall also find the principal practical virtues, either required for their own sake (most often without any commentary), or established as objectives foreseen by particular actions, or as sources of value for the human soul. The positive commandments that fulfil these conditions are to be found in the passages below, which prescribe or praise: The care taken to enquire into one's duties and teach others theirs;<sup>112</sup> moral effort;<sup>113</sup> conforming to good examples;<sup>114</sup> balanced actions, which keep to the middle path;<sup>115</sup> righteousness;<sup>116</sup> striving to perform what is good or even best;<sup>117</sup> the most beautiful actions;<sup>118</sup> the best words;<sup>119</sup> sincerity;<sup>120</sup> chastity and decency;<sup>121</sup> the wise personal use of goods honestly acquired;<sup>122</sup> courage, endurance and constancy;<sup>123</sup> gentleness and modesty;<sup>124</sup> circumspection in judgements;<sup>125</sup> doing good in general;<sup>126</sup> doing good to our parents in particular,<sup>127</sup> treating them with honour, obedience, tenderness and concern;<sup>128</sup> treating our spouses well;<sup>129</sup> kind conversation with them and mutual consultation;<sup>130</sup> supporting the needs our families, in proportion to our resources;<sup>131</sup> paying compensation to divorced spouses;<sup>132</sup> helping your close relatives,<sup>133</sup> near and distant neighbours,<sup>134</sup> travellers,<sup>135</sup> the needy<sup>136</sup> – help which is duly taken from good things that are honestly acquired.<sup>137</sup> Supporting the poor and orphans in times of famine;<sup>138</sup> freeing slaves;<sup>139</sup> uprightness;<sup>140</sup> generosity.<sup>141</sup> Equity,<sup>142</sup> as represented by the vertical balance of the scales, which tilt neither to the right nor to left.<sup>143</sup>

Giving a precise statement in all required testimonies,<sup>144</sup> whether it is against our relatives or ourselves;<sup>145</sup> returning what has been entrusted us to its rightful owner;<sup>146</sup> being faithful to any engagement undertaken, word given, or oath sworn;<sup>147</sup> practising hospitality and selflessness;<sup>148</sup> tolerating the ill-educated with kindness;<sup>149</sup> returning good for evil;<sup>150</sup> encouraging towards the good and turning away from evil<sup>151</sup> – all believers are united on this point.<sup>152</sup> Encouraging harmony<sup>153</sup> and charity;<sup>154</sup> the co-operation of all to help virtue and discipline prevail;<sup>155</sup> mutual exhortation to patience and mercy;<sup>156</sup> attachment to holy union;<sup>157</sup> consolidating all our sacred links;<sup>158</sup> loving the spiritual community<sup>159</sup> and praying for it (showing community spirit);<sup>160</sup> the wisest and most honest ways of preaching the truth;<sup>161</sup> in brief, all ways of acting which are acknowledged and approved (by reason and tradition).<sup>162</sup>

And why not mention in the same category some examples of our duties towards God?

To believe in God;<sup>163</sup> to obey Him;<sup>164</sup> to meditate on all His words and acts;<sup>165</sup> to remember Him;<sup>166</sup> to acknowledge His blessings;<sup>167</sup> to trust Him;<sup>168</sup> to make promises in accordance with His will;<sup>169</sup> to love Him;<sup>170</sup> to worship Him.<sup>171</sup> All these commands are justified by their own statement (67A, 91B).

Below are the moral accolades, the titles of honour, one could say, materials

with which the Qur'an constructs its commentaries and formulates its praises for a particular practice or rule, and the way in which it creates a powerful motivation for the will, whilst containing it within the action itself and without opening up other aspects to it: the good, or greatest good;<sup>172</sup> an overwhelming good;<sup>173</sup> a real good (despite feeling the opposite);<sup>174</sup> more beautiful;<sup>175</sup> more just;<sup>176</sup> more precious;<sup>177</sup> the criterion of piety;<sup>178</sup> the requirement of charity;<sup>179</sup> the requirement of piety;<sup>180</sup> the requirement of gratitude;<sup>181</sup> the requirement of courage and magnanimity;<sup>182</sup> the requirement of selflessness towards the weak;<sup>183</sup> the requirement of consideration for the wretched, with whom we sympathise, either by imagining ourselves in their place,<sup>184</sup> or by remembering our own past, when we were in pain, or unenlightened or lost,<sup>185</sup> or simply by being conscious of the condition of mankind, having need ourselves of divine indulgence.<sup>186</sup> It is of a nature that will purify the heart or make it purer.<sup>187</sup> It is of a nature that will make the soul shine, enhance its power<sup>188</sup> to express thoughts more directly and to touch the heart more effectively;<sup>189</sup> it will maintain or fortify the soul,<sup>190</sup> bring it peace,<sup>191</sup> remove doubts,<sup>192</sup> and keep one away from immorality,<sup>193</sup> bring it piety or nearer to piety,<sup>194</sup> prevent the committing of an involuntary injustice and the ensuing remorse;<sup>195</sup> reconnect the soul to God.<sup>196</sup> In brief, it is the quality that confers value to any command, however disproportionate to its quantity.<sup>197</sup>

It also happens that, taking its analysis further, the Qur'an does not limit itself to considering the moral elements separately from the intellectual or spiritual elements. Fully aware that they are consolidated within us and of the repercussions they have on one other, the Qur'an does not hesitate to explain or valorise some through the others: our temperaments, conceptions, beliefs and ways of behaving. This is how we come to see that the practical virtues derive part of their value from the fact that they reflect one's faith and prove its sincerity.<sup>198</sup> Faith, in turn, takes its value from being the privilege of humble, sensitive hearts,<sup>199</sup> a particular state of the soul or attitude of the mind, of which the learned people have sole privilege,<sup>200</sup> a general Qur'anic teaching, which is destined to those people who are truly endowed with understanding, able to learn, meditate and deepen their knowledge.<sup>201</sup> To open one's ears to its warnings is therefore the first manifestation of life,<sup>202</sup> but to adhere to its doctrine is to show clear thinking<sup>203</sup> and mature reasoning.<sup>204</sup> To live it out, as it was by the Prophet, is moral greatness.<sup>205</sup> Best of all, to practise it with others is to build a community into the best nation in the world.<sup>206</sup> These are the formulas of moral praise (64A, 66B).

This way of teaching virtue through itself, without any other justification except that which comes from the moral concept and analysis of its own characteristics, is also found in the 'negative' duties, which forbid evil actions or denounce their despicable character.

We shall first refer to the texts which formulate what is forbidden. It is thus forbidden: to commit suicide;<sup>207</sup> to commit indecent assault or any action leading to the crime;<sup>208</sup> to engage in prostitution or fornication,<sup>209</sup> or any other sort

of immorality, public or hidden;<sup>210</sup> to lie;<sup>211</sup> to boast;<sup>212</sup> to follow uncontrolled desires;<sup>213</sup> to imitate the unbelievers;<sup>214</sup> to covet other people's goods;<sup>215</sup> to hoard money and love riches excessively;<sup>216</sup> to strut arrogantly;<sup>217</sup> to dress indecently (women);<sup>218</sup> to make use of ill-acquired gain or employ anything impure (both physically and metaphorically);<sup>219</sup> to commit infanticide (even under the pressure of cruel poverty, whether experienced or anticipated);<sup>220</sup> to show any disrespect to our parents in their old age;<sup>221</sup> to mistreat our spouses (through humiliation, extortion, deprivation or anything else);<sup>222</sup> to shed human blood *which God has expressly consecrated, if it is not by right*;<sup>223</sup> to cause ruin or corruption on the earth;<sup>224</sup> to display aggression, even towards enemies;<sup>225</sup> to use (or worse, to appropriate) another person's goods, without their consent;<sup>226</sup> to touch the property of orphans, except in the most honest manner (in order to increase its value for them);<sup>227</sup> to reject orphans;<sup>228</sup> to do any violence to them;<sup>229</sup> to treat them disdainfully;<sup>230</sup> to neglect the poor;<sup>231</sup> to scold people asking for help;<sup>232</sup> to choose poor-quality objects as gifts;<sup>233</sup> to give presents out of self-interest;<sup>234</sup> to remind people of your generosity;<sup>235</sup> to be a false witness;<sup>236</sup> to commit any breach of trust;<sup>237</sup> to enter anyone's home without asking their permission and first greeting them;<sup>238</sup> to withdraw from any gathering without permission from the host;<sup>239</sup> to slander other people;<sup>240</sup> to spy on their secrets;<sup>241</sup> to slander and mock them;<sup>242</sup> to taunt them with derogatory nicknames;<sup>243</sup> to plot an injustice or an act of aggression;<sup>244</sup> to break our sacred links and form schisms;<sup>245</sup> to forget God;<sup>246</sup> to lack faith in Him;<sup>247</sup> to disobey Him;<sup>248</sup> to associate anything whatsoever with Him;<sup>249</sup> to expose His name.<sup>250</sup> All of these interdictions are already justified by their own statement (33A, 47B).

Here, however, is how the Qur'an gives them express justification. In opposition to the positive values included within virtue, we find that here the anti-value contained within vice is emphasised. Any behaviour which is contrary to the established rule, as well as any lack of faith in superior truths, is condemned, not because they lead the offenders to perdition, but because they imply, simultaneously or individually, the following errors: going astray;<sup>251</sup> carelessness;<sup>252</sup> walking in darkness;<sup>253</sup> deviation from the right path;<sup>254</sup> the wrong path;<sup>255</sup> reversal of values;<sup>256</sup> walking unsteadily;<sup>257</sup> slipping and falling;<sup>258</sup> following desires blindly;<sup>259</sup> worshipping passions;<sup>260</sup> wretched exchange;<sup>261</sup> choice of an accursed companion;<sup>262</sup> walking behind the enemy or alliance with him;<sup>263</sup> using bad names;<sup>264</sup> imitating the unjust;<sup>265</sup> resembling something ignoble;<sup>266</sup> resembling something loathsome and repulsive;<sup>267</sup> blindness;<sup>268</sup> deafness;<sup>269</sup> ignorance;<sup>270</sup> lack or wrong use of intelligence;<sup>271</sup> limited knowledge;<sup>272</sup> superficial understanding;<sup>273</sup> refutation of what is not known in depth;<sup>274</sup> disputation without knowledge or guiding light;<sup>275</sup> upholding of a position which has neither certainty,<sup>276</sup> proof,<sup>277</sup> nor experience.<sup>278</sup>

Bad judgement;<sup>279</sup> destroyed argument;<sup>280</sup> no sound basis;<sup>281</sup> fragility;<sup>282</sup> extreme fragility;<sup>283</sup> imitating ignorant and erroneous forebears;<sup>284</sup> adhering to simple conjectures;<sup>285</sup> falsehood;<sup>286</sup> unreality;<sup>287</sup> only names;<sup>288</sup> deceitful inven-

tions;<sup>289</sup> Satan's inventions;<sup>290</sup> aberration;<sup>291</sup> careless attitude, way of those without sense;<sup>292</sup> exaggeration, going beyond limits;<sup>293</sup> evil action;<sup>294</sup> lewd action;<sup>295</sup> shameful, unworthy action;<sup>296</sup> hateful action (which makes us despicable to ourselves);<sup>297</sup> corrupt, irregular, unruly behaviour;<sup>298</sup> unjust behaviour;<sup>299</sup> sinning against oneself;<sup>300</sup> a great blunder;<sup>301</sup> a crime, great sin;<sup>302</sup> sin of the heart;<sup>303</sup> self-betrayal;<sup>304</sup> impurity of the heart;<sup>305</sup> despicable moral outrage;<sup>306</sup> failing;<sup>307</sup> scepticism;<sup>308</sup> lack of commitment;<sup>309</sup> acting according to self-interest;<sup>310</sup> hardness of heart;<sup>311</sup> unjustified pride;<sup>312</sup> pretending to be interested in and enthusiastic about everything;<sup>313</sup> words contradicted by actions;<sup>314</sup> attachment to this world;<sup>315</sup> being distant from God.<sup>316</sup>

The most natural conclusion to draw from this accumulation of errors is to agree with the Qur'an that they produce, not only the darkening or eclipse of the soul;<sup>317</sup> not only sickness or infirmity of the heart,<sup>318</sup> but the death of the spirit.<sup>319</sup> Those who have stubbornly decided to be unfaithful are viewed as the worst of all, the lowest of creatures on earth.<sup>320</sup>

This suffices for the list of blameworthy actions (274A, 171B).

It is essential that the Qur'an undertakes its pedagogical work through such purely moral considerations. One can see the richness of vocabulary through which it honours virtue and stigmatises vice. All these arguments, implicit or explicit, constitute the first category of Qur'anic exhortations (620A, 455B).

We now examine the second category.

### *B Considerations of attitude*

From internal justifications to external sanctions, we are now entering an intermediate zone, which forms a kind of antechamber to the sanctions, but which does not yet constitute one itself. At most it may give a vague foretaste of what is to come.

To be more precise, we are not thinking of common opinion, for a mere opinion, if it is unfounded, must not disturb a true believer, who has an ideal as a rule and model of behaviour.<sup>321</sup> When it is founded, it is by its foundation that it is to be considered. In any case, how far does the consideration of common opinion influence the individual will, this feeling that we experience when thinking about whether our fellow human beings have a good or bad impression of us, whether one is the object of their admiration or contempt? It is clear that these worries only affect us to the degree that we are in contact with society, or at least when we suspect that our behaviour may one day be revealed. But if we are alone? When nobody is there? It may still happen if the ideas inculcated in our minds through education form good habits, and are deeply rooted in us enough, that we behave honestly and almost automatically, without any regard for proofs, in our daily tasks. Robinson, cast away on his desert island, had to abstain from drink, as if he had been in his homeland, but if a more complex situation arises, whether evil is provoked, or temptation becomes more powerful, and we know for sure that no-one will know our secret, then neither Adam Smith's 'impartial spectator', nor

Bergson's 'social self', nor any other ghosts of human society will be of much help to us.

The Qur'an desires to situate us in an altogether different milieu, with another living reality always and everywhere present with us. I do not wish to speak of the noble retinue, of whose invisible and sacred existence the Qur'an assures us; the guardian angels escorting human beings:

*in front and behind* 13:12

nor the other team of inspectors:

*sitting on the right and on the left of everyone* 50:17

charged with watching their actions:

*not letting a single one of their words escape* 50:18

without noting it.

I speak, above all, of Him for Whom:

*it makes no difference whether you keep secret what you say or utter it aloud,  
whether you hide in the night or go out in the day.* 13:10

The One for Whom:

*you do not engage in any matter without Our witnessing you.* 10:61

He Who is present in our meetings, whether large or small:

*Three men cannot confer together secretly without Him being the fourth.* 58:7

The One Who is:

*nearer to him than his jugular vein.*

Who hears:

*what his own self whispers to him* 50:16

'God knows what you do'; 'knows what is in your hearts'; 'knows everything'; 'witnesses your actions'; 'sees'; 'hears'; 'observes' – such are the general formulations we come across under this heading.

But, in reminding us of these truths, does the Qur'an not seek to awaken in us the fear of punishment, or the hope of reward? When selecting these

passages, we left aside<sup>322</sup> – in order to keep them for the third category – any such warning of this kind, which is accompanied by an express sanction. However, there is nothing to prevent the reader of the Qur'an who explores the underlying ideas from obtaining a fairly acute presentiment, according to the case concerned, and according to the delicacy of each conscience and the nuances of the style. From a simple, beneficial piece of advice to the stating of a sanction, it has all kinds of warnings of varying gravity, with varying hints of a threat.

By passing through this intermediary zone, we are going to move forward gradually, but without all of these degrees of continuity. However, we shall endeavour to map out four principal stages, which correspond to the different attitudes supposedly shown by those to whom the discourse is addressed.

1) A clearly welcoming attitude, favourable towards order and discipline, although to various degrees. A statement reflects this attitude, which is so gentle and so comforting that it takes care to mention the good will that is shown, but makes not the slightest allusion to any possible failing. Nevertheless, it does not omit to draw our attention to God's presence and omniscience.<sup>323</sup>

Why? The reason is that a believer will find in this idea that which really sustains his efforts, nourishes his energy, raises up his soul, multiplies the demands on himself, not only to keep to his chosen direction, but also to keep watch over the quality of his actions and the purity of his intentions when they do not always bring what is new and better. There is no doubt that the remembrance of God at the moment of the action is an everlasting source of energy for the faithful; that it affects their will, increasing their desire to perfect their actions and to perfect themselves. One can even say that it is the surest way, the shortest route, to attaining constancy and continual progress. The Prophet made it the very definition of perfection. 'What is it to do good?', he was asked; he replied: 'To do good is to obey God with the same presence of mind as if you were seeing Him; and if you do not see Him, surely He sees you.'<sup>324</sup> The feeling called forth by this mode of exhortation is akin to that of being comforted, of a supportive power. It is the attraction of love.

2) An attitude of being generally well-disposed towards the law, but not excluding the possibility of sin.

Here, we no longer witness the encouragement of an ongoing good work; nor are we faced with menacing evil; we are simply placed before the action, in ordinary circumstances. Seeing the two possibilities for the will in advance, the command is given in a somewhat abstract form, and does not mention the condition of the choice we face. The exhorting formula takes on similar characteristics. It does not directly stimulate the effort towards good, nor does it crush evil tendencies. It remains vague, being in the middle; it is both at the same time. One no longer reads: 'God sees the good you do', nor yet: 'Be careful not to do evil', but: 'such is your duty; God will see what you do.'<sup>325</sup>

Thus, the entire discourse changes tone. Its friendly and smiling face

becomes rather serious, though not severe. The two eventualities of the decision, having apparently equal chances, imbue the discourse from beginning to end with a neutral, reserved character. This duality in turn is echoed in the duality of the feelings among those who are exhorted; or rather it gives rise to a complex feeling, between enthusiasm and apprehension, a mixture of respect and reserve, and whatever else.

3) The attitude is still one of compliance in principle, but since the existence of some particular circumstances may introduce some change, the tone becomes more serious.

It is true that the theme of the commentary remains unchanged, and retains the abstract formulation of the preceding stage, but we see the phrasing of obligation insist particularly on the aspect of interdiction, as if there were already a tendency to infringe the rule. There is nothing more natural than that the warning accompanying it should sense it; that it immediately changes its meaning; that the degree of energy it contains no longer has the same proportion as before; that the element of *inhibition* carries it along on the element of *propulsion*.<sup>326</sup>

From this there comes the disproportionate reaction of the awakened feelings, among which the sentiment of shyness is undoubtedly foremost. The idea that we are in the presence of God cannot come to our mind when we are planning something bad without it exercising a powerful restraint upon it. Whilst this thought possesses us, we fear to commit any act which might make us blush before His holiness.<sup>327</sup> If we should slip or weaken, it can only be because, in the distractions of life, we have lost sight of such salutary meditation.<sup>328</sup> As soon as the remembrance of God becomes persistent again, we feel the urgent need to repent of our shameful carelessness, thereby taking our place again in the company of the divine.<sup>329</sup>

It can be seen that, in these three stages, it is a matter of moral education through religious feelings, which, by their nature do not calculate anything beyond themselves. At the first stage, one's feelings of love are awakened, an excellent means to propel us far ahead in the realisation of positive values. At the third stage, it touches our feeling of modesty, which is a good brake to prevent us from slipping and to make us stop, instead of rushing into danger. At the second, through a balance of forces, we maintain self-control and uphold our honour.

4) Finally, the open rebellion of the unfaithful. In exact contrast to the first case, we witness here not only some particular decision, but a conclusive position taken against the law. This time, the usual formulations are preceded by so many references to crimes already committed that it is impossible to misunderstand their overwhelming power.<sup>330</sup>

What exactly is the feeling which they aim to provoke through this means? Is it the fear of punishment? But what effect would such a demand have on a conscience as closed as that of the unbelievers? A spectator aware of the seriousness of their situation might well be afraid for them, but, with regard to

they themselves, is there anything other than a simple statement of their guilt, a kind of anticipated judgement, a prelude to their effective condemnation? Indeed, such a warning does not aim to be of any immediate use to the unbelievers; rather, it is a call from afar addressed to the reasonable being buried within them. Perhaps through the force of knocking the door might open, the mind freed, the dead brought back to life. For the time being, it is a matter for reflection which can be given to them. If there remains for them the chance to think, they will see without doubt the calamities that await them, and how these are about to happen. To which ones? When? How? Nothing is said about it at this stage.

This takes us to the end of the intermediary zone: (20A, 62B). With this final stage, we now stand on the threshold of the sanction itself.

### *C Consideration of consequences*

*Natural consequences:* As we come to this last category, we notice that relatively few passages mention what are commonly called 'natural sanctions', the pleasant or painful consequences which, in the normal order of things, regularly ensue from our moral behaviour, in the same way as do health or illness from our physical way of life, without any apparent intervention from the transcendent will which rules nature.

In this order of ideas, we have been able to distinguish two types of reason for justification: individual or general. We have found only four passages concerning commands motivated by the good of the individual, which result from their being put into practice:<sup>331</sup>

*Do not entrust to the simple-minded any of their property for which Allāh has made you responsible, but provide for them and clothe them out of it.* 4:5<sup>332</sup>

*Do not ask about matters which, if they were known to you, would make things difficult for you.* 5:101<sup>333</sup>

Believing women should dress decently:

*so that they will be recognised and not harmed* 33:59<sup>334</sup>

Lastly, the condemnation of greed and profligacy is justified in one place by the fact that they lead respectively to *blame* and *destitution*.<sup>335</sup> The commands that are justified by the common good, which they are supposed to foster, are only slightly more numerous:

*Repel the bad with something better and your enemy will become as close as an old and valued friend.* 41:33<sup>336</sup>



*Satan wants to stir up enmity and hatred between you by means of wine and gambling.* 5:91<sup>337</sup>

The prohibition of murder must refer only to the guilty for:

*the life of all is at stake* 2:179<sup>338</sup>

Discord within an army or a nation leads to its defeat and loss of power.<sup>339</sup>  
Arming yourselves in peacetime is meant:

*to terrify the enemies of Allāh and your enemies* 8:60<sup>340</sup>

In case of conflict, the duty to keep on guard and not put down one's arms, even during prayer, is imposed as a precautionary measure against a surprise attack.<sup>341</sup>

Why should you fight? Obviously for *the cause of God*. It is only in order to attain this ultimate aim that the texts mark out several intermediary stages:

- a) To stop the violence of the unbelievers, breaking their aggressive power.<sup>342</sup>
- b) So to prevent corruption and disorder from spreading throughout the earth.<sup>343</sup>
- c) To safeguard religious institutions against destruction.<sup>344</sup>
- d) Finally, to punish the aggressors and relieve the hearts of the faithful.<sup>345</sup>

These are the only references to natural sanctions that we have found<sup>346</sup> (2 A, 12B).

We are already quite far from the stage of morality as an aim in itself, where duties have been prescribed and rated according to their own nature. When religious feelings arose afterwards to encourage it in their turn, we were still considering near relatives. Now, however, we are dealing with a third matter, which is no longer related to the family. Not the search for pleasure, or the crudeness of profit, or a clever system of prudent measures designed to hide our vices; but rather practical common sense, the instinct for self-preservation, a legitimate sense of self-respect and a praiseworthy concern to promote mutual friendship among people. However, whether it is general or individual, legitimate or praiseworthy, is it not always self-interest which, this time, pleads the cause of the moral law? Does the Qur'an not make common morality play a part, however restrained, and which is purified in this way?

Let us recall the difference, which we mentioned at the beginning of the chapter, between a statement made for the intellect and an aim suggested to the will. We will elaborate on this further in our next chapter.

Why insist so obstinately on the radical separation of elements which are inseparable in the human conscience? I fully understand that, in the conflict

between duty and self-interest, I must sacrifice not only my desires, but also my most elementary instinct, including for my own survival, to the sovereign order of duty, but, outside of such cases of conflict, can we sincerely be indifferent to our own selves and deny the needs of our deepest nature? A wise stoic has had to admit that it may not be a necessity but it is at least a preference. Can one have a greater depth of spirit of self-denial than Jesus? Yet when he was made aware of the Pharisees' plot to kill him, did he not immediately move away from where he was?<sup>347</sup> Similarly, when he felt the hour of his betrayal drawing near, did he not pray to God to take the cup away?<sup>348</sup>

When instinct and intelligence, faith and reason, my duty and my self-interest converge towards the same point; when from every corner of my soul, I hear the same cry, the same call, the same imperative, do I have the audacity, do I have the right to say that I have only responded to one single voice; that it is purely and simply out of duty that I have been moved; that other factors, whether primordial or secondary, have not played any role in my decision? How can one verify such a claim? Did not Kant, who was so rigorous, acknowledge that the human being has an inalienable right, which comes neither from someone else, nor from himself, and therefore a duty to defend himself? As soon as the will is provided with an objective, as soon as the way of proceeding is given a worthy matter, it becomes extremely difficult to detach it and hide it from the mind. Does the effort of the will have a magical power instantly to efface our memories, or to snuff out our lights? It is all very well to concentrate on the envelope, but if its contents are known to be valuable, and it inevitably increases in weight and price, it will eventually affect our understanding or our senses. From then on, one will never prevent this new element from becoming, not another aim to be pursued, a second master for us to serve, but a reinforcement of our strength and our desire in our victorious march towards the same aim. Duty will then not just be respected, but loved. Does proclaiming total impartiality with regard to our most essential necessities not ignore our human weakness? Pascal strongly condemned this arrogance.

Admittedly such an attitude is possible for a privileged few in the course of their progress, but is it a wise method to preach a morality which begins by cutting off the bridges after the heroes, leaving the remainder of humanity in absolute despair? How can one persuade a man completely involved in his affairs, or another absorbed in the pleasures of his duty, if you suddenly demand that he sever all links with the past and submit to a dry rule which he has not yet understood? If, on top of it all, you also forbid him from asking you to justify your commands, by threatening to accuse him of being immoral, what can you expect from such pedagogy, except to make your disciple lose all confidence in himself, for good?

In order to initiate your candidate into morality, is it not more reasonable and more humane to start from his viewpoint by trying to give something to him in exchange for what you are taking away, by showing him that the path

of duty is also that of intelligence and good taste, of salvation and glory? Gradually, according to the degree that he understands better the usefulness of righteousness; that in the storm of passion he can substitute the balance of common sense, he will also be able to enjoy the sweetness of doing good, the charm of virtue and the excellence of heroism. Progressively, too, he will also come to feel an affinity with good, a kind of identification between his will and the rule, perhaps to the extent that he will detach himself completely from external motives and give himself to duty entirely for its own sake, without worrying about his own affections, or the success or deception that natural events may have in store for him.

That most austere of Western philosophers, Kant, had to acknowledge this way of conceiving such a moral education: 'It may even be useful', he wrote, 'to link the vision of a cheerful and pleasant life with the supreme motive (respect for the law and oneself), ... but only to counterbalance the seductions that life makes appear so attractive on the opposite side, never to make it the real motivating force.'<sup>349</sup> And we read later in the same work: 'But this distinction between the principle of happiness and the principle of morality is not in opposition, and pure practical reason does not demand that one renounces all desire to be happy ... it can even, in some respects, be a duty to take care of one's happiness, because on the one hand happiness ... offers the means to fulfil one's duty; on the other, because being deprived of happiness (for example, through poverty) leads to temptations to violate one's duty. But to work towards one's happiness can never really be a duty, still less a principle of duty.'<sup>350</sup> More explicitly: 'Without doubt, one cannot deny that to make an uncultivated mind, or one that is even corrupted, embark upon the path of moral good, one only needs a few preparatory instructions to attract it through its personal benefit or to discourage it through fear of shame; but as soon as this mechanism has had some effect, one must present to the soul the pure, moral principle of determination.'<sup>351</sup>

Thus, the moral life begins with the ideal being introduced upon a field already occupied by nature. The ideal, it is true, always tends to gain ground and supplant the first occupant, ceaselessly claiming that it must be the sole and unique master of the conscience, not wishing any other to associate with it. Is this possible? Does it have the right? Does it actually happen? All this is beyond the scope of the matter which occupies us at present, which is to know if, in spite of everything, and independently of our intention, whether one wishes it or not, the natural order is involved in our moral concerns, interacting with them, and producing results which do not fail to affect us profoundly. It is this truth that the Qur'an has intended to show with the few examples mentioned. Ibn 'Abbās used to say that 'goodness produces light in the heart and illumines the face, puts strength in the body, increases wealth, and wins us the affection of our fellow human beings. Evil (on the contrary) dulls the countenance, obscures the heart, weakens the body, reduces wealth and makes us hateful to human hearts.'<sup>352</sup>

*Non-natural consequences (or divine retribution):* Natural sanctions are not universal. We cannot agree unreservedly with Victor Cousin's statement that: 'Virtue and happiness, misery and vice . . . are in necessary harmony, not only in the realm of conscience, but also in life and history. There is not a single vicious action, thought, desire or feeling that goes unpunished sooner or later and most often immediately, according to its desert. And the opposite is true of any virtuous action, thought, resolution or feeling. Every sacrifice carries with it its own reward.'<sup>353</sup> Nor can we agree with Jouffroy: 'When we go astray in pursuit of our true end because of our freedom of choice, we are constantly brought back through all sorts of punishments, which the natural order of things, within which we have to grow, inflicts upon anyone who leaves his path to stray into a path which is not his own.'<sup>354</sup>

No, if the law of nature, whether it be physical or social, has been able to reward certain duties with an equivalent happiness, such as marriage with strength, or devotion with esteem; and likewise certain vices such as alcoholism and debauchery with all their ensuing miseries, not all virtues and vices find their reward through the normal order of things – far from it. Kant had a fairer view when he stated that there is no analytical link between virtue and happiness, provided that happiness be understood not as a particular joy inherent to the moral exercise, which Aristotle described as 'supplementary to the act as its flower is to youth', but as ulterior enjoyments, separate from the action and of a different nature from it.

We go even further than Kant. As he could not perceive the existence of such a link in actual experience *a posteriori*, the eminent philosopher made it a postulate of the moral law that is to exist in the world to come, wherein all natural laws coincide with those of grace. For him, this link is an *a priori* synthetic link. According to us it is synthetic, yes, but not *a priori*.

Leaving aside religious teachings, it is quite possible to conceive of a perfectly just moral law, which, for all the recompense awarded to its followers, would earn them value and dignity, in a word merit, without allowing them an existence after death, still less a life of eternal bliss, since all these ideas are alien to the idea of a purely rational moral law. They are even more so to formal ethics which begins by separating man into two warring parts, in the name of which principle, having pitilessly banished the senses from the moral domain, it finally allows them to attain their destiny. Why, having chased them from the door then let them in through the window and give them the right of legitimacy?

Even if we insist on demanding that another, higher justice should be superimposed upon the justice which is fulfilled within the moral law, thus making the two orders of the will and the senses symmetrical, we can accept it if necessary, without adhering to the postulates of a second life and future happiness. The operation is very simple. One only has to reverse the formula of the sequence in order to be free of it. Do we think that society should reward us for our honesty in the normal performance of our duties to it? Do we not owe more to it, than it owes us? What should be said, then, about the

author of the universe to whom individuals and societies owe everything? Which of us has not been touched in advance by the hand of God: our existence, our faculties, our energies, our possibilities and gifts, material and spiritual? Instead of seeking a reward, should not our good behaviour be seen as a repayment of a debt, an expression of gratitude for the numberless blessings which the Creator has bestowed upon us, even before we ask for them?

This shows that no future reaction which does not automatically and naturally proceed from our actions can be demonstrated or postulated by what is *a priori* evident in itself, or necessary for the establishment of moral truth. Furthermore, applied to the idea of punishment, this *a priori* reasoning has some degree of validity, and is probably why the Qur'an sometimes uses it in such context. It is just that the guilty who feel happy for the moment will not remain unpunished indefinitely. Either creation is made in vain, or there must be a 'return' of justice.<sup>355</sup>

*Does man reckon he will be left unchecked?*

75:35

This is because the idea of a future happiness without any internal link with virtue, and lacking a rational principle necessitating their harmony, means that they are separated and remain so in our mind as long as a free legislator, human or transcendent, does not intervene on its own initiative to co-ordinate and establish between them a deliberate synthesis.

Qur'anic ethics, like other religious ethics, did not fall into the philosophical contradiction of first completely isolating the realms of morality and the senses, only then to come back, somewhat belatedly, to reconcile them. It is an ethics which immediately considers man as an integral structure, where heart and mind continuously co-operate with the will. For this system of ethics, moreover, the immortality of the soul and the existence of God are not postulates, but the starting-point; they are beliefs founded first and foremost for themselves, which in their turn are the foundations of the system of sanctions. In the Qur'an and all the revealed books, God is not only Creator and Legislator; He is also the just Judge. Now it is clear that, with these concepts, when one reflects upon on the modes of sanction one finds a more coherent development, which provides a just response to various needs. What is more natural than that the man who is fully committed to his actions should experience their full consequences? On the other hand, the voluntary action through which God established the law of duty finds its parallel in the same divine idea as that through which it established *the general principle of retribution* (11A, 2B).<sup>356</sup>

What is more, the connection between virtue and happiness, vice and punishment, the separation of the just and the unjust, which is given here as a fact, as a promise or a decree, is sometimes presented as the necessary conclusion of deductive reasoning, starting with the concept of God as wise and just:

*Do those who perpetrate evil deeds suppose that We will make them like those who believe and do good deeds, so that their lives and deaths will be the same? How bad is their judgement!* 45:20

*Would We make those who believe and do good deeds the same as those who cause corruption on the earth? Would We treat the pious the same as the dissolute?* 38:28

*Would We treat those who have surrendered the same as the evildoers? What is the matter with you? On what basis do you judge?* 68:35-6

Of course, in order to be necessary, this deduction must keep to the general idea of retribution, without attempting to determine its modalities. For instance, can one establish a rational proportion between the instantaneous act of the human will, or even the constant effort in this finite life, and an infinite reward in eternal life?<sup>357</sup> But although such a reward is not and can never be due to our actions in themselves, it is nevertheless the object of a promise, of an undertaking; it is the counterpart of a *contract* concluded between God and man,<sup>358</sup> provided that our works are morally worthy, pure and without blemish, that they fulfil the required conditions in order to be accepted by God: which, due to our state, is impossible to judge with any certainty.

These details explain the apparent contrast between the prophetic formulation, according to which the admission of the just to Paradise is only a gift of divine grace,<sup>359</sup> and the Qur'anic formulas which mention this celestial inheritance as an award given for our actions.<sup>360</sup>

#### 4 Divine sanction

##### *The nature and modalities of divine sanction*

The time has come for us to investigate the nature and extent of divine sanction, according to the Qur'an.

Whereas the Torah places the promise of happiness in the good things of this world, and the Gospel almost exclusively in the next, we have said that the Qur'an meant to embrace and conciliate both concepts. To be more precise, it is a sort of reconciliation. It intends to re-establish in their primitive unity two integral elements of the same reality, which have somehow been split by the biblical authors, each side insisting too much or too exclusively on the part left aside by the other. Whether it is a matter of conciliation or reconciliation, the amalgamation of the two systems would in no way explain the Qur'anic system, for, as soon as the principle of this system was posited, the Qur'an considerably enriched its definition by integrating many new elements.

We shall first mention the passages where the Qur'an simply and briefly establishes this principle. Without determining its nature the Qur'an tells us

that divine retribution will take place at two levels, for the just (8A, 3B), as well as for the guilty (6A, 9B).<sup>361</sup> However, if the passages that we note do not define the nature of divine sanction, other texts do so in more detail. Even though in some cases it is difficult to decide which life is meant,<sup>362</sup> we shall endeavour to examine separately each one of the two occasions in which divine sanction takes place: in the here-and-now, and in the world to come.

*A Divine retribution in the here-and-now*

Mostly, the occasion in which divine sanction takes place is of the moral, intellectual or spiritual order. In opposition to the Hebraic method, the purely material order represents here a minute proportion, if not a negative quantity. We are going to see now with what simplicity, whose secret it always has, the Qur'an expresses this kind of immediate reward.

a) *The material aspect*: Except for the concise formulations we have just mentioned, which simply say that virtue will have one part of its reward in this life and the other part (the better) in the life to come, the only passage which promises some actual material benefit in this world is stated thus:

*Whoever has fear of Allāh - He will give him a way out and provide for him from where he does not expect.* 65:2-3<sup>363</sup>

The following verse of the same sūra is even more implicit concerning the material aspect:

*Whoever obeys Allāh - He will make matters easy for him*

or:

*Will make his plans succeed* 65:4

In another passage, the expression does not have just one meaning and can be interpreted as:

*Those who emigrate in the Way of Allāh will find many places of refuge on the earth and ample sustenance*

or:

*will be able find in the breadth of the earth a place to flee, and, despite his enemies, will be able to practise his trade in a wider sphere* 4:100

This last interpretation corresponds better to the context.<sup>364</sup> The same vagueness can be seen in the text that promises these emigrants:

*a good home in this world, but the reward of the Hereafter is greater still* 16:41

Still more general is the notion of the goods promised to good people.<sup>365</sup> As for the heralded happiness, it takes on a predominantly negative character in this exhortation to the unfaithful:

*Ask your Lord for forgiveness and then turn to Him. He will let you enjoy a good life until a specific time, and will give His favour to all who merit it.* 11:3

The rest consists not in direct promises or threats, but in historical data of either ancient times or those contemporary to the Revelation, which are explained in their relation to moral facts. Most of the texts insist particularly on the criminal or privative aspect of the sanction. Any country or group which used to live in plenty, but whose prosperity and safety were suddenly threatened by terror and famine, or afflicted by a plague which destroyed crops and fruit and dried its water supplies – in certain passages the Qur'an attributes this adverse and sudden twist of fate to their lack of faith in God and their ingratitude towards him.<sup>366</sup> Elsewhere, it is explained either by men's excessive confidence in their future (ignoring the power of God),<sup>367</sup> or their forgetting their social duty and the hardening of their hearts against the misery of their brothers.<sup>368</sup> In sum, by 'human sins'.<sup>369</sup> One passage concludes:

*If only the people of the cities had believed and been mindful of Allāh, We would have showered them with blessings from heaven and earth.* 7:96

*If they had observed the Torah, the Gospel and the divine precepts, they would have enjoyed many kinds of blessings from above and below.* 5:66

*If only they were to go straight on the Path, We would give them abundant water to drink so that We could test them by it.* 72:16

This latter passage does not present this favour as a reward but as a 'test'.

In the most serious cases, rebels pay not with their goods, but with their lives. In the case of general corruption, God reacts by exterminating a whole people.<sup>370</sup> This is the way in which the Qur'an continuously uses the history of sinful ancient times, in order that the unjust who succeed them on the earth always have in their mind the example of their predecessors, especially the unfaithful of the time of the Prophet, who were neither any better nor more powerful than the peoples of ancient times;<sup>371</sup> indeed rather the opposite.<sup>372</sup> All perfidious people are therefore at risk and likely to be severely chastised for their sins. Nothing can assure the guilty that they might not be overcome by calamity on land or sea,<sup>373</sup> as they sleep or in the midst of their amusements,<sup>374</sup> or on their travels;<sup>375</sup> either by lightning from the sky, or by the earth collapsing and burying them,<sup>376</sup> or any other means which they do not



suspect.<sup>377</sup> They cannot tell whether it might be a sudden annihilation or a slow attrition.<sup>378</sup>

It is clear that, in all this, it is not a matter of a decreed punishment, a lesson to be learnt from human history and cosmic law; it is a matter of awakening the attention of the rich and powerful, and showing them how illusory and precarious their safety and wealth are.

b) *The civic element*: Beyond their purely physical and material life, there is another domain where people have greater concerns: that of the destiny of their ideals and collective feelings. Here, promises are more numerous, more direct and more explicit. While the Prophet and his followers had to endure the fierce opposition of a coalition of unbelievers and hypocrites, not only did the Qur'an bring this consolation to the faithful:

*If you are steadfast and have patience, their scheming will not harm you in any way* 3:120<sup>379</sup>

not only will God:

*certainly help those who help and defend the believers* 22:38<sup>380</sup>

but He also promises them His positive support:

*Allāh is with those who have faith in Him* 8:19<sup>381</sup>

*with those are mindful of Him* 2:194; 9:36, 123<sup>382</sup>

*with the steadfast* 2:152; 8:46, 66<sup>383</sup>

He is their *ally* and *protector*.<sup>384</sup> As power belongs to God alone, so He shares one part with His allies,<sup>385</sup> therefore:

*it is the party of Allāh which is victorious* 5:56<sup>386</sup>

God will give them His:

*support and imminent victory* 61:13<sup>387</sup>

*Allāh will certainly help those who help Him* 22:38<sup>388</sup>

*If you help Allāh, He will help you and make you stand firm* 47:7<sup>389</sup>

*We make it Our duty to help the believers* 30:47<sup>390</sup>

*Our Word was given before to Our slaves, the Messengers, that they would certainly be helped. It is Our supporters who will be victorious.* 37:171-3<sup>391</sup>

*Allāh has written: I will be victorious, I and my Messengers.* 58:21<sup>392</sup>

*Do not lose heart or despair. You shall be uppermost if you are true believers.*

3:139<sup>393</sup>

Their adversaries, on the contrary, are destined to defeat and regret.<sup>394</sup> They are promised inferiority.<sup>395</sup> Covered with humiliation,<sup>396</sup> their power will be destroyed.<sup>397</sup> True:

*the unjust help one another,* 45:19

but:

*they have no protector.* 47:11<sup>398</sup>

*They desire to extinguish Allāh's light with their mouths, but Allāh refuses other than to perfect His light, even if the disbelievers hate it. It is He who sent His Messenger with guidance and the religion of Truth to exalt it over every other religion, even though the idolaters detest it* 9:32-33<sup>399</sup>

and:

*On that day (of victory), the believers will rejoice in Allāh's help.* 30:4-5<sup>400</sup>

One passage takes this theme to its logical conclusion. The vision that it opens before the virtuous believers is not only triumph in the just cause and the victory of its defenders, but also their reign in this world:

*Allāh has promised those of you who believe and do good deeds that He will make them successors in the land, as He made those before them, and will firmly establish for them their religion with which He is pleased; He will give them security in place of their fear.* 24:55<sup>401</sup>

We know that it has been this way for centuries, but only as long as the required conditions were met. If something has changed since then, it is exactly in virtue of that same law, for it is written:

*My righteous servants will inherit the earth.* 21:105

Social virtue is one of the most important among those virtues which are

required for the aptitude to govern. It is therefore conceivable that a secular empire can last and prosper in union and justice much longer than an empire of so-called believers who are in fact debauched, disorderly and undisciplined. The Qur'an has said:

*If you turn away, He will replace you with a people other than yourselves, and they will not be like you.* 47:38

This concludes the collective aspect of retribution (4A, 31B).

c) *The intellectual and moral elements*: Divine retribution does not end there. It is not limited to protecting the faithful against grave difficulties in their physical life, or even satisfying their collective yearning for salvation and greatness. It goes deeper, to reach our most profound and most elevated faculties, to become a necessary supplement to true moral sanction.

When we said earlier that good enlightens the soul, purifies the heart and fortifies the good will; that evil tarnishes, blinds and degrades, it was to indicate a tendency rather than a fact, a seed rather than something fully formed, the first step on a long road, a state in the making, full of possibilities, capable of halting or mutating, of infinite progression or regression. In order to steer this nascent stage along one of the ways that are open to it, we need an active principle, able to provide one orientation rather than another. Here is this effective principle! It is the very author of nature, which we see taking on the task of driving this nature towards that which it was meant for. To those who strive towards Him, God will show the paths along which He drives them.<sup>402</sup> Those who believe in Him, He will guide their heart;<sup>403</sup> he brings them out of the darkness into the light;<sup>404</sup> he will guide them on the straight path;<sup>405</sup> for those who observe truth and righteousness in their words, He will rectify the sins of their actions;<sup>406</sup> to those who piously observe His commands, He will give the power to discern true and false, good and bad;<sup>407</sup> he will grant them a guiding light.<sup>408</sup> As for those who have faith and do good deeds, He will rectify their intention.<sup>409</sup> Those who have chosen the right direction (or who make an effort to behave well), He will increase their light, guide their steps in paths of increasing righteousness.<sup>410</sup> He causes tranquility to descend upon their resolute hearts, in order to consolidate their faith.<sup>411</sup>

As for the unbelievers, the unjust, the proud, the aggressors, the ungrateful, the sceptics, the tyrants, the liars, those who commit perjury, the corrupt, the slaves to passions, all those who have specifically chosen to be enemies of the faith and of the law, not only does God not direct them,<sup>412</sup> but He: maintains and increases their misguidance;<sup>413</sup> has hardened their hearts;<sup>414</sup> has sealed up their hearts, their ears and their eyes;<sup>415</sup> made them deaf and blind;<sup>416</sup> has increased their sickness;<sup>417</sup> prolongs their error and their blindness;<sup>418</sup> has made them hypocrites;<sup>419</sup> made them forget themselves, by forgetting God;<sup>420</sup> has abandoned them to Satan;<sup>421</sup> who guides them towards darkness.<sup>422</sup>

It is not the unjust alone who are likely to be brought to such abasement. The elect themselves must remember that their light and inspiration are a gift of grace, which may be withdrawn if their attitude changes.<sup>423</sup> The number of texts which state these immediate moral reactions are greater in number (23A, 40B).

d) *The spiritual aspect*: One last element of immediate divine retribution consists in the modification which our actions determine in our relationship with God. It is no longer about the kind of external relationship between a legislator and a subject, or a judge and the defendant with a relationship which translates into an acquittal or a condemnation, allowing us to receive a gift or endure a punishment. It is about a deeper and more intimate relationship, which the rest symbolises more or less adequately. In the absence of any active expression, this relationship retains all its affective value, is primordial in its existence and in its importance. This is because, before any external reaction, our attitude towards the law is met with an immediate response from God in the form of His approval or disapproval; our attitude makes us agreeable or objectionable in His eyes; it makes us win or lose His love, an object worthy of a quest in itself.

This intimate aspect, reduced to its purest expression, is emphasised in the Qur'an:

<i>Allāh loves those who do good</i>	2:195; 3:134, 148; 5:93 <sup>424</sup>
<i>those who are just</i>	5:42 <sup>425</sup>
<i>those who are patient</i>	3:146 <sup>426</sup>
<i>those who are pious</i>	3:31; 9:108 <sup>427</sup>
<i>those who repent of their sins and try to become pure</i>	2:222; 9:108 <sup>428</sup>
<i>those who put their trust in Him</i>	3:159 <sup>429</sup>
<i>who follow His Messenger</i>	3:31 <sup>430</sup>
<i>who fight in His way in ranks like well-built walls</i>	61:4 <sup>431</sup>
<i>He accepts their pious deeds</i>	22:37 <sup>432</sup>

He remembers those who remember Him.<sup>433</sup>

<i>All good words rise to Him, and He raises up all virtuous deeds.</i>	35:10 <sup>434</sup>
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*Those who, when disaster strikes them, say, 'We belong to Allāh and to Him we will return' are blessed by Him.* 2:157<sup>435</sup>

*Allāh was pleased with the believers when they pledged their allegiance to you [for His cause]* 48:18<sup>436</sup>

and with those who follow His will;<sup>437</sup> who profess their gratitude to Him;<sup>438</sup> who do not ally themselves with His enemies, even if they are close relatives.<sup>439</sup> It is also He who has inscribed faith in their hearts and:

*has supported them with a Spirit that comes from Him* 58:22<sup>440</sup>

He is with those who keep themselves from wrong doing and practise charity.<sup>441</sup> He is their ally.<sup>442</sup> Finally, the more men observe a respectful attitude towards His commands, the greater they will be esteemed in His eyes.<sup>443</sup>

There are many statements of the opposite kind. Our straying away from faith, or from the rule, causes a violent and damaging break in our relationship with God. Instead of deserving His love, we incur His displeasure, His wrath, His curses, to say nothing of His actual punishments, which will be examined below:

*The evil of these actions is hateful in the sight of your Lord.* 17:38<sup>444</sup>

Corruption (and corrupters)<sup>445</sup>

*Aggressors [those who attack first or go beyond reasonable force]* 2:90; 5:87; 7:55<sup>446</sup>

*Those who are unjust* 3:57, 140; 42:40<sup>447</sup>

*The wasteful* 6:141; 7:31<sup>448</sup>

*The perfidious* 8:58<sup>449</sup>

*The arrogant* 16:23<sup>450</sup>

*The unfaithful* 3:32; 30:45<sup>451</sup>

*The proud and vainglorious* 4:36; 57:23<sup>452</sup>

*The ungrateful and the sinners* 2:276<sup>453</sup>

*The liars and the wrongdoers* 4:107<sup>454</sup>

*Allāh does not accept ingratitude* 39:7<sup>455</sup>

*The negligent*9:56<sup>456</sup>

*Allāh does not like evil words being voiced in public, except in the case of someone who has been wronged.* 4:147<sup>457</sup>

God abhors words that are betrayed by actions.<sup>458</sup> Through their unfaithfulness, the impious draw upon themselves the abomination of God.<sup>459</sup> As well as through their unfounded disputes against the revelations of God.<sup>460</sup> But the wrath and curse of the Most High is not reserved just for the obstinate disputers:<sup>461</sup> renegades;<sup>462</sup> unbelievers in general;<sup>463</sup> murderers;<sup>464</sup> those who break their oaths;<sup>465</sup> calumniators;<sup>466</sup> deserters.<sup>467</sup> The so-called believer who, leaving his community, seeks an ally among the non-believers, without being forced by necessity to protect himself, cuts himself off from God:

*He has no connection with Allāh.*

3:28<sup>468</sup>

The number of passages relating to immediate spiritual sanctions thus comes to a total of (20A, 58B).

*Insufficiency of the immediate sanction:* Thus we have seen how physically, intellectually, morally and spiritually, as individuals as well as a community, we find already that life presents a divine response to our behaviour, good or bad. However, that does not seem satisfactory in the eyes of sovereign justice. In the first place, they are only samples, foretastes of complete justice. Such as they are manifested in this world, divine sanctions are no more universal<sup>469</sup> or complete than the natural and human ones.<sup>470</sup>

Furthermore, happiness and misery are presented mingled together: on the one hand, the just pay for their sins, even the lightest ones, through the sufferings and difficulties they encounter in this world.<sup>471</sup> The most hardened of hearts, the most polluted of souls, on the other hand, do perform some good. Although these can be self-interested or spontaneous deeds in which there is no faith in the authority of the command, nevertheless, they are not completely deprived of their reward. A kind of premium is payable to them in cash, in terms of worldly goods. In this way, their crimes will remain to their debit and must be paid for on the day of the Last Judgement. Now, there will not remain a trace of this mingling together on the day of retribution. As soon as each camp is settled in its eternal abode, one group will enjoy pure felicity<sup>472</sup> and the other, ceaseless torment, without respite.<sup>473</sup>

Finally, all the good and evil which befall us in the course of this life cannot be viewed exclusively as remuneration or expiation for the acts we have committed, but also as tests of and incentives for our effort.<sup>474</sup>

From these three points comes the necessity for a sanction which is not only complete and pure, but also purely retributive rather than preventative,

which is the result and not the solicitation of our effort. So a world of retributions corresponds to this world of ceaseless new obligations, uniquely envisaged as such. How does the Qur'an proceed to warn us about it? This we propose to examine in the remainder of the chapter.

*B Divine sanction in the world to come*

Not all Qur'anic passages deal with this notion in the same way. Some only supply us with a general, indeterminate idea; others sketch out a more or less precise definition, which can be negative or positive, material or spiritual. Here, we are going to distinguish several modalities.

- a) We shall first mention the texts which show the just and the guilty their respective destinies by simply giving the generic name of their eternal abode, Paradise or Hell, without supplying any details.<sup>475</sup>
- b) In another group of texts, the name of the future abode is not mentioned, and the destiny predicted for each person is expressed in a completely indeterminate way.

Announced to the just is: good news;<sup>476</sup> hope;<sup>477</sup> a fine promise:<sup>478</sup> they will triumph;<sup>479</sup> they will find immense goodness with God;<sup>480</sup> their efforts will not have been in vain<sup>481</sup> and will not go unacknowledged;<sup>482</sup> they will gain divine recognition;<sup>483</sup> they will succeed,<sup>484</sup> leading to a good end;<sup>485</sup> they will profit by them.<sup>486</sup> People who have done good will be greeted by their own good deeds,<sup>487</sup> which will be even more enhanced,<sup>488</sup> and which will be given back to them completed,<sup>489</sup> and multiplied,<sup>490</sup> according to the best of their actions,<sup>491</sup> with a supplement granted by the grace of God.<sup>492</sup> Their reward is assured,<sup>493</sup> a magnificent, splendid reward.<sup>494</sup> better,<sup>495</sup> generous,<sup>496</sup> forever;<sup>497</sup> an honourable and pleasant stay;<sup>498</sup> a fulfilling life;<sup>499</sup> a blissful life.<sup>500</sup> These foretelling of happiness reach the figures of 66A, 100B.

Just as frequent, but less differentiated, is the parallel warning. When it does not consist of an even vaguer formulation,<sup>501</sup> this warning only tells evildoers that they will be paid back 'in kind'. For the infidels, the unjust, the hypocrites, the proud, the criminals, all transgressors will be reserved unhappiness, an evil stay, and a severe punishment, a painful, ignominious, everlasting chastisement (94A, 66B).<sup>502</sup>

- c) What is the Qur'anic conception of Paradise, of Hell? What is the nature of these rewards and punishments? Up to now, we know nothing about it. They are presented elsewhere in the Qur'an with two aspects, both spiritual and material, sometimes with a positive characteristic, sometimes with a negative characteristic, but first we shall say a word about the transitory period between this life and eternal life.

*A foretaste:* As soon as the just are called to give up their souls, they will receive

the good news awaiting them. They will be warmly welcomed by the angels, who will greet them with the words:

*Peace be upon you! Enter the Garden for what you did.* 16:32

The martyrs especially will be:

*delighting in the favour that Allāh has bestowed on them, rejoicing for the sake of those they left behind who have not yet joined them* 3:170

As for the damned, with their last breath of life they will begin to experience the harsh reality:

*If only you could see the wrongdoers in the throes of death when the angels are stretching out their hands, saying, 'Disgorge your own souls! Today you will be repaid with the punishment of humiliation.'* 6:94

*If only you could see when the angels take back those who were unbelievers at their death, beating their faces and their backs: taste the punishment . . .* 8:50; 47:27

The Qur'an does not provide details concerning what happens in the interval between death and resurrection. It only says, with regard to the people of Noah's time that:

*after they were drowned they were put into the Fire* 71:25

and, with regard to the pharaohs that:

*they are exposed to the Fire, morning and night* 40:46

The tradition also speaks of the terrible beatings which the angels inflict on the unbelievers when they are interrogated after being buried. Generally speaking, always according to the tradition, the dead in their tombs will feel joy or sorrow, as they see their future abode presented to them each morning and night.<sup>503</sup>

It is what happens after the resurrection that the Qur'an describes in detail and we see how in this description the moral and physical elements go together. Under the following headings, we shall now analyse and classify the Qur'anic passages concerning the glorious end of heaven's guests and the deplorable state of the damned.

*Paradise: Spiritual joys:* First, the spiritual aspect of celestial bliss is defined in negative terms by the following promises: peace and safety;<sup>504</sup> absence of sorrow;<sup>505</sup> exemption from shame;<sup>506</sup> forgiveness of faults and effacement of



sins;<sup>507</sup> mercy (inasmuch<sup>508</sup> as it consists in sparing the beloved of God from evils).<sup>509</sup>

There are many more details concerning positive spiritual joy. The blessed have a life of: fraternity and reciprocal love (free of any rancour);<sup>510</sup> contemplation of the divine beauty;<sup>511</sup> contentment and joy;<sup>512</sup> honour and glory.<sup>513</sup> Their happiness will cause their faces to shine;<sup>514</sup> they feel superior to the adversaries who mocked them.<sup>515</sup> As they journey towards Paradise, their light will go before them and to their right.<sup>516</sup> They will enter into the society of the great and virtuous,<sup>517</sup> with their families and friends.<sup>518</sup> On arrival, they will be greeted by the angels with the words:

*This is your Day, the one that you were promised.*

21:102<sup>519</sup>

Once they are settled, angels will *enter in from every gate* bringing them congratulations and wishing them peace.<sup>520</sup> Welcomed by the All-Merciful, they will be given 'good tidings'.<sup>521</sup> He will say to them 'Greetings!'<sup>522</sup> He will bring them near;<sup>523</sup> He will raise them to high degrees;<sup>524</sup> they will have fine seats next to the Almighty Sovereign;<sup>525</sup> they will obtain His pleasure.<sup>526</sup> The satisfaction is reciprocal:<sup>527</sup> they will be pleased on two accounts: content with themselves (because of their past striving),<sup>528</sup> and pleased with their fate. So they will ceaselessly praise God for having guided their steps and keeping His promises to them.<sup>529</sup> Futile, frivolous talk, sin and accusation of sin will be banned from this dwelling of happiness.<sup>530</sup> One only hears the exchange of mutual greetings,<sup>531</sup> and praises for the Almighty.<sup>532</sup>

Thus the passages which emphasise spiritual joys in Paradise number 102A, 70B.

*Paradise: Material happiness:* It is a question whether the soul can ever freely and completely enjoy its own happiness whilst tied to a tormented body, or with its needs unmet, or even simply when its aesthetic sensibilities are troubled. A gnat's sting, an engine revving, a strong smell, excessive heat or biting cold, when felt, do profoundly distract our attention, however much it is focused on abstract objects. If we can keep the body away from these disturbances and bring it as much peace as possible, does this not at the same time free the spirit and allow it to soar? This is sufficient for providing a legitimate and moral basis for our concern with health and peace, and our avoiding pain and death. From this point of view, a system of moral rewards which did not satisfy these preliminary necessities of physical life would be manifestly wanting. One cannot find this deficiency in the Qur'anic system, wherein the righteous are promised not only the absence of death<sup>533</sup> and protection against all evils<sup>534</sup> but also removal from the realms of torment;<sup>535</sup> they will be granted rest;<sup>536</sup> in a word, salvation.<sup>537</sup> In Qur'anic language, the synonym for Paradise is *the abode of Peace*.<sup>538</sup>

The above is only a negative aspect, and people have said that they are not completely satisfied not to have suffered for positive reasons. In all times,

humanity has manifested its natural tendency to assure itself of some positive well-being, to improve its actual living conditions. The effort of science and technology has no other definitive object than this. Once the undertaking has been made legitimate, if one considers that any improvement that has been made must at the same time remove a physical need and provide another chance to refine the mind, what is unfortunate is that, despite such scientific progress and artistic refinement, and perhaps precisely because of this progress and refinement, the struggle for a better life is never finished. It increases proportionately. Every new improvement increases the desire for a higher degree, and to reach that it is necessary to have recourse to a system which is more and more complex, whence the need for new research and renewed effort, and so on *ad infinitum*. Even to maintain things at the level reached requires constant vigilance, to prevent the disintegration of our artificial synthesis and a return to the elements in their primitive state. One can therefore say that, generally, we tend to spend far more time trying to find peace than actually enjoying it; as we try ever harder, that which was only a means taken through our effort becomes an end in itself.

We fully admit that in this extensive research into material happiness it may seem that there is a deviation of the contemporary conscience, but the original impulse comes from a deeper tendency which cannot be denied, even if it can be deplored. Is it not desirable for every sensitive conscience that man be freed from all these bodily necessities in order to deal with nobler and more specifically human preoccupations? Wise people can take two paths in order not to be tempted by the inclinations of the senses. The first is to fight these tendencies and reduce them to a state of apathy: this brutal, artificial attempt is bound to fail, given the conditions of human nature. The other way is to satisfy them with moderation and harmony as they arise, and with the proviso that this satisfaction does not demand a sacrifice to be made of the time and energy needed to cultivate the mind. It remains understood, in the contrary case, that it would be better to abstain with dignity, and only seek the minimum that is indispensable to life. Whether great or small, such strivings in this sense not only bring us limited happiness, but at the same time, and to the same extent, they compromise the purity and fullness of the life of the spirit. If on the contrary, we were to be offered all desirable and legitimate joys, spiritual as well as material, instead of having to strive for them, would we not have everything to gain and nothing to lose? Is that not the ideal? And if this ideal cannot be realised in this world of strife, what can prevent its realisation in the world of retribution?

Why should it be otherwise? Why exclude at any price every positive material aspect from celestial bliss? Do the order and beauty of nature disparage those of the mind? Are they not often their support and foundation? Of course, knowing the least of their value, the wise person does not seek them for themselves, but he must not refuse them when they appear. What right do we have to refuse a hand extended in friendship offering a present, or

pinning a medal on our lapel? The value of these things lies less in their substance than in their meaning. They are symbols, testimonies of appreciation, which cannot be thrown back in the face of the giver without showing a lack of moral tact.

In our opinion, it is from this view that the description of Paradise must be imagined. It is a description where the joy of the heart does not exclude the beauty of the setting where it takes place. We have already examined the spiritual aspect of celestial bliss, with its positive and negative elements, and we have just explained the negative physical aspect of salvation. Let us see now with what physical charm the Qur'an presents the *Great Kingdom of Heaven*.<sup>539</sup>

First imagine an immense garden, so immense that it is:

*as wide as the Heavens and the Earth*

3:133; 57:21<sup>540</sup>

where one enjoys the freedom to walk and rest wherever one wishes.<sup>541</sup> A garden where there is always shade<sup>542</sup> and the climate is always temperate, without excessive heat from the sun or severe cold.<sup>543</sup> It is a happy and refreshing place,<sup>544</sup> with rivers flowing through it,<sup>545</sup> rivers of water that is for ever pure, rivers of milk whose taste does not alter, rivers of delicious wine, and rivers of purified honey<sup>546</sup> and fountains of water<sup>547</sup> variously flavoured, with which to mix the exquisite wine.<sup>548</sup> In these blessed places various fruit grow<sup>549</sup> in abundance<sup>550</sup> and offer themselves on branches within reach<sup>551</sup> which never break,<sup>552</sup> nor are forbidden.<sup>553</sup>

Then imagine that, on this green carpet threaded with silver are splendid buildings,<sup>554</sup> with many storeys<sup>555</sup> constructed beside the rivers, or below which rivers flow,<sup>556</sup> luxuriously furnished, with thrones and high seats,<sup>557</sup> seats which are studded with gold and precious stones,<sup>558</sup> cushions, rugs and table sets,<sup>559</sup> decorated with materials lined with silk.<sup>560</sup>

Then imagine these splendid palaces teeming with a kind of high courtly life on a grand scale, during a brilliant reception. A united gathering: men, women, children, grandparents, friends,<sup>561</sup> all in their best finery and bedecked with jewels,<sup>562</sup> clad in silks,<sup>563</sup> of restful hues,<sup>564</sup> leaning comfortably in their seats,<sup>565</sup> turning affectionately to face one another,<sup>566</sup> conversing pleasurably and recalling memories of long ago.<sup>567</sup> Absorbed in their bliss,<sup>568</sup> they only have to ask for what they wish.<sup>569</sup> To serve them are young men endowed with eternal youth, like hidden pearls,<sup>570</sup> bearing in their hands golden cups and dishes,<sup>571</sup> ewers and glasses<sup>572</sup> and other vessels of silver.<sup>573</sup>

They will have provisions,<sup>574</sup> morning and night.<sup>575</sup> They hasten to offer them what they wish: drinks,<sup>576</sup> dishes,<sup>577</sup> sweetmeats.<sup>578</sup> All these details add up to 97A, 27B. In a word, anything which their souls may wish for, or their eyes might enjoy, will be granted to those who served God faithfully.<sup>579</sup> All their wishes will be granted,<sup>580</sup> and more than that.<sup>581</sup> Therefore the complete formula is expressed in 4A.

Let us put together the three features outlined above concerning the landscape, the buildings and the inhabitants, and place them against the moral and spiritual background previously described: we now have the Qur'anic picture of life in Paradise, at least inasmuch as it can be put into words and conceived by mortals. A few remarks must be added before leaving the realm of the blessed.

- 1) The Qur'an does not simply enumerate the various moral and physical joys of Paradise: it grades them according to a scale of values, for which it reserves the highest degree for spiritual things. The Qur'an declares that out of all the blessings that Heaven offers, there is one which is incomparably the most precious, which is the fact that God declares Himself satisfied with the just.<sup>582</sup> Generally speaking, in the Qur'an, the Lord's mercy and grace are the most precious things and the most proper for giving joy to humankind.<sup>583</sup> A famous Arab proverb says *al-jār qabl al-dār*: 'Good neighbours first, then the neighbourhood'. Is the same idea not replicated in the Qur'an, when, bringing together the two kinds of happiness promised to obedient souls, it grants their glorious entry into divine society first, and then the reward of Paradise?<sup>584</sup>
- 2) While the necessity of our analysis and the convenience of headings have required us to isolate and set out the two elements which constitute the blissful life separately, the text itself does not proceed likewise. There is no such systematic separation, nor do we find the image which we have endeavoured to reconstruct for each element as complete. It is so fragmented and spread out over numerous chapters that, mostly, we find only a few traces outlined in each passage. This procedure is for us doubly significant. Far from exciting the senses and satiating the curiosity, it does not even insist enough to produce the seductive effect of a finished work of art. It touches the heart, but only with measure and moderation, while on the other hand it also shows that the Qur'an was not revealed to us as a product of a field of knowledge which has reached its completion, or as the fruit of an exalted imagination, as has been supposed of the man who communicated it to us; it is a sober, intermittent teaching which attests to the truth while responding to a determined plan, without preliminary sketching or later retouching.
- 3) The most striking aspect of the joys of the senses, and the one most often mentioned, appears, as if we can see it, in the allusion to *the garden with rivers of water flowing past celestial palaces*. Many of us have been able to experience the pleasure of flowing water when one gazes at it from above. Besides being one of the most innocent pleasures of the eyes, it has a deeper significance and a sweeter pleasure, as the Qur'an suggests: not the mundane fact that such an attitude kindles dreams and inspires poetry, but a fact which is essentially moral: that it is the letting go of all sorrows and the melting away of any rancour in the heart.<sup>585</sup>

- 4) As for the exquisite food in Paradise, an exegete analysing the expression in 37:42 tells us that it is with pure joy, and not in order to preserve their life or health, that the guests of Heaven will partake of it. Endowed with an incorruptible body, they will not need any such restorative.<sup>586</sup>
- 5) What is more remarkable is the care that the Qur'an takes, when it speaks about the beverages of Heaven, to remove the brutalising characteristics normally associated with liquors in this life. It says that the just will be given:

*a pure draught to drink*

76:21

The delights of that cup will not confuse their reason,<sup>587</sup> nor will it be accompanied by headaches,<sup>588</sup> gossip or disputes,<sup>589</sup> nor any evil.<sup>590</sup>

- 6) One sees the same care with regard to the subject of spouses, who are mentioned relatively rarely. There is no allusion to dealings with men; but, after stating that women will be, and will remain virgins for ever,<sup>591</sup> the Qur'an says that life will be one of mutual love between young people of the same age.<sup>592</sup> Should one be surprised at this noble language in a book for which the benefits of marriage in earthly life reside above all in the inner peace that a man experiences next to a companion made from himself, and in the affection and tender care which God places between them?<sup>593</sup> On the other hand, not only do moral qualities find concurrence with their physical qualities in the description of the heavenly companions, but the moral aspect also surpasses the physical. Thus, we find:

*purified spouses*

2:25; 3:15; 4:57

*virtuous first, then beautiful*

55:70

*with modest gazes first, then with large eyes*

37:48

*with modest gazes, then, of the same age*

38:52

similar to nymphs in the woods, but 'secluded in cool pavilions'.<sup>594</sup> It is precisely these same moral qualities that the Prophet advised us to look for when choosing a spouse in this world. 'People marry a wife for her wealth, for her nobility, for her beauty, or for her moral virtue. Choose the virtuous one.'<sup>595</sup>

- 7) Finally, when talking about heavenly matters, it must be borne in mind that it will be a new creation, completely unknown and original.<sup>596</sup> Nobody knows what a beautiful surprise, what unparalleled satisfaction will be

reserved for the humble, the charitable, and those whose thoughts are often with their Lord.<sup>597</sup> The Almighty has said in a *ḥadīth qudsī*: 'I have prepared for my faithful servants what the eye has never seen, the ear never heard, nor the human mind ever conceived.'<sup>598</sup> This led Ibn ʿAbbās, one of the most authoritative commentators amongst the Prophet's Companions, to declare: 'For everything which exists in Paradise, there is in this earthly life only the name.'<sup>599</sup> However, it does not seem that the originality of Paradise goes so far as to remove concrete reality; the passages tend to allow for a difference of degree between the two lives, rather than a difference of nature.

*Hell*: Shall we now have as complete as possible an image of the abode of the reprobate and of the punishment which will be inflicted upon him? The equivalence is striking: at the moment where its image can be constructed, each aspect is given its contrary by following the same lines which have been traced, and replacing them point by point, but no one needs to use this a priori method. Let us leave the Qur'an to speak.

*Hell: Negative moral punishments*: The negative, or rather privatory aspect of moral punishment reserved for the damned consists in the following: Their deeds are worth nothing.<sup>600</sup> Deception in their expectations of the idols they had associated with God.<sup>601</sup> They despair of God's mercy,<sup>602</sup> of His indulgence,<sup>603</sup> of His vision,<sup>604</sup> His gaze and His justification,<sup>605</sup> their deprivation of the light (which they vainly try to find close to the believers),<sup>606</sup> of sight, hearing, speech (at the time of resurrection),<sup>607</sup> of all their hopes,<sup>608</sup> their despair of eternal life<sup>609</sup> in which they will have no part,<sup>610</sup> where they will be neglected,<sup>611</sup> abandoned,<sup>612</sup> rejected,<sup>613</sup> without help or any ally.<sup>614</sup> The gates of Heaven will not be opened for them.<sup>615</sup> Their pleading will not be heard.<sup>616</sup> In brief, they will see their failure<sup>617</sup> and loss.<sup>618</sup>

*Hell: Positive moral punishments*: At the resurrection, the evildoers will appear before God with bowed heads.<sup>619</sup> Their faces blackened,<sup>620</sup> severe and despondent,<sup>621</sup> covered with dust and grime.<sup>622</sup> On that day, they will wish that a great chasm would separate them and their evil actions,<sup>623</sup> but the Book is there, wherein everyone's actions are recorded, down to the smallest detail.<sup>624</sup> Moreover, their own bodies and their sense organs will testify against them.<sup>625</sup> Their crimes will be loaded on their backs,<sup>626</sup> and they will carry about the goods which they hoarded,<sup>627</sup> reviled,<sup>628</sup> blamed;<sup>629</sup> hated.<sup>630</sup> Covered with shame and humiliation,<sup>631</sup> they will file past their Lord, while spectators look at them and point at them with contempt.<sup>632</sup> Taking hold of their account, they will wish not to have known it and that death would truly be the end for them.<sup>633</sup> Seeing at last their implacable retribution approach,<sup>634</sup> feeling all the links with their leaders and fellow sectarians break,<sup>635</sup> unable to wind back the course of time and to return to earth,<sup>636</sup> they will only be able to bite their nails and sigh with regret.<sup>637</sup>

Here are the passages relative to moral punishments: 101A, 41B.

*Hell: Physical punishments:* The physical sufferings endured by the unjust after the final judgement can be first presented in a negative form, which consists of the deprivation of essential needs. Hungry and thirsty, they do not find anything to assuage their hunger and their thirst.<sup>638</sup> However, the Qur'anic passages which define their punishments positively far outnumber these.

Diametrically opposed to the celestial mansion of the elect, the abode of the damned is a prison<sup>639</sup> with a multitude of sections (doors), each one designed for a particular category;<sup>640</sup> a prison whose gaolers are robust, harsh angels;<sup>641</sup> a subterranean prison divided into several catacombs going deeper and deeper below ground.<sup>642</sup> It is hermetically closed.<sup>643</sup> It is a ditch filled with fire,<sup>644</sup> ardent fire,<sup>645</sup> which can be heard from far away roaring with rage,<sup>646</sup> like an erupting volcano,<sup>647</sup> throwing sparks as large as castles.<sup>648</sup>

The damned are tied up<sup>649</sup> with their necks, hands and feet fettered.<sup>650</sup> Attached to long chains,<sup>651</sup> they are dragged face down,<sup>652</sup> thrown face first into the fire,<sup>653</sup> restricted to the narrowest space,<sup>654</sup> enduring excruciating torture.<sup>655</sup> They experience the pain of incineration,<sup>656</sup> as they become food for the fire.<sup>657</sup> Paralysed with anguish and sorrow, every time they try to escape their agonising pain, they are pushed back into the middle of the fire with iron clubs.<sup>658</sup> They are surrounded with torment.<sup>659</sup> Their faces are battered by the flame,<sup>660</sup> which will tear off their skin,<sup>661</sup> burn their flesh,<sup>662</sup> and reach their hearts.<sup>663</sup>

The piles of gold amassed by the greedy will be melted down in the fire, then spread over their faces, flanks and backs.<sup>664</sup> There will be cries of sorrow and pleas for mercy.<sup>665</sup> They will sigh and sob.<sup>666</sup> As soon as their skin is burnt off, another one will be put on them, so that they can taste the torment once more, and for ever.<sup>667</sup> Being cremated is not the only torture: they will alternately be plunged into boiling water.<sup>668</sup> It will be poured onto their heads to make their skin and entrails melt;<sup>669</sup> when drinking it their faces are roasted and their intestines torn.<sup>670</sup> They will have another beverage so foul that they will hardly be able to swallow it.<sup>671</sup> There will also be the fruit of Zaqqūm, which will boil in their stomach like molten lead,<sup>672</sup> and other foods that choke and other painful tortures,<sup>673</sup> such as a burning wind,<sup>674</sup> the artificial shadow of smoke,<sup>675</sup> or extreme cold alternating with extreme heat, according to some commentators on the word *ghassāq*.<sup>676</sup>

In short, they will be subject to sufferings and afflictions that are constant and without respite.<sup>677</sup> The texts which define bodily sufferings thus come to: 74A, 15B.

None of these physical sufferings is considered as an end in itself, but as the means to make them suffer morally. The essential thing they are fleeing in this abominable place is not so much the fire as the humiliation which it represents.<sup>678</sup> What makes their wretchedness even worse is that, in the midst of their moral and physical sufferings, they cannot find around them a single

compassionate and consoling heart, but rather the contrary. The friendly links they had before and which are now broken are replaced with horrible proximity to their erstwhile friends. All they now know are disputes,<sup>679</sup> hatred,<sup>680</sup> and mutual cursing.<sup>681</sup>

\* \* \*

What we have intended to do through these classifications and precise quotations, is to give the reader as exactly as possible a sense of the method of preaching followed by the Qur'an, and of the proportion represented by each of the processes within the overall pattern. Given the density and richness of the Qur'anic style, we cannot pretend to have produced faultless statistics, but at least we have catalogued the principal facts within their respective framework. We even consider that only minimal corrections would be needed. In order to bring the result of this study to a clear conclusion, we believe it will be useful to summarise it in the table below.

Frequency Table of Different Types of Exhortations

<i>Exhortations to duty through:</i>	A	B	Total
Its own formal authority:	0	10	10
Its internal values:	620	455	1075
Its religious feelings (love, modesty, etc.):	20	62	82
Natural consequences:	2	12	14
Divine sanctions:			
1) general principle of retribution:	11	2	13
2) retribution in this world and the next:	14	12	26
3) divine sanction in the immediate			
a) material order:	0	1	1
b) social order:	5	31	36
c) moral and intellectual order:	23	40	63
d) spiritual order:	20	58	78
4) divine sanction in the afterlife:			
a) generic name of the future abode:			
Paradise:	19	8	27
Hell:	61	50	111
b) warning of an indeterminate reward or punishment:			
rewards:	66	100	166
punishments:	94	66	160
c) predictions:			
spiritual joy:	102	70	172
material joy:	97	27	124
inclusive formulation:	4	00	4
moral sufferings:	101	41	142
physical sufferings:	74	15	89



### Conclusion

Here, then, are the figures which speak more eloquently than any speculative rational argument. The most serious objection often raised against religious ethics in general is that it fails to take the conscience into account, whether individual or collective; that it draws all its power, all its authority from a transcendent will, which is foreign to the nature of things; and that it imposes itself exclusively through the attraction of the rewards and the fear of the punishments established by that very same supreme authority.<sup>682</sup>

We know now that this reproach cannot be addressed to Islamic ethics in any circumstances. We have seen that the Qur'an declares the human soul to be the holder of a natural moral law, breathed into it at creation. The Prophet advises everyone to consult their own soul to learn what they are to perform or avoid. Muslim Schools, even the most conservative ones, agree that human reason is endued with its own specific domain of appreciation and legislation, wherein good and evil are rationally defined either as a quality or a vice, or as conforming or contrary to nature. The problem which causes them to diverge on this point is only this: must the order of reason be taken as definitive; does it correspond always and everywhere to the reality of things; does it coincide, above all, with divine reason?

Nobody would deny that the conscience is sufficiently invested with authority for our responsibility to ourselves to be evident. But does it have enough to establish our responsibility towards God? This is where the debate arises. Is it not clear that it often happens that our conscience is dulled by habits, or misled by prejudice, or swept along by personal interest; that passion sometimes speaks to us concealed beneath the veil of reason, mimicking its language? We could even say that, in this case, although it is reason itself that speaks to us, it is a fallen reason, corrupted by its yielding to animal instinct, to such a distant point that its main role is now to discover the ways and means of satisfying our immediate interests. In the most normal case, when reason and feelings oppose each other openly, is it an act of impartiality systematically to grant to one the right of command over the others? Does not reason become both judge and defendant by presumptuously granting itself the power to adjudicate in the debate?

If we were to take this line of reasoning to its logical outcome, we might ask ourselves whether the author of our composite nature would really consent to sacrificing the largest part of His work, and the most ancient, to 'the last in line'. What proves that God did order such a sacrifice? Where is the mandate in virtue of which only one part of creation speaks in the name of the Creator? In this pretension, is it the instinct of truth that guides us, or the pride and vanity of our intelligence?

Without doubt, the reasonable will is the most excellent part of our being; it is specifically ours, whereas the rest of us is similar to other inferior natures; it is the only faculty that is able to concentrate us within ourselves, whereas the senses and instincts scatter us outside. It is therefore entirely advisable for the

Creator to confer upon it the right of leadership and the principal role of organiser, but is it just that a master should command his subjects without consulting them? Should he not do his utmost to assure them the development of which they are capable? Where does the work of democracy end and tyranny and despotism start in this arrangement? Who can impartially draw a line of demarcation between them?

Except for some Mu'tazilites and their followers, Muslim thinkers have understood that such was the case. In order to engage our responsibility towards God, they require, parallel to the implicit law imprinted primordially in our nature, another law that comes from God, but in a positive and explicit way. The role of this new law will not be to abolish the first one, for both are two truths which cannot contradict each other; rather, it is to confirm and bring strong support to the first one, after setting it out in all its purity. This preliminary task of purification must obviously begin by preventing the aberrations of pseudo-reason, and to awaken the conscience slumbering under the debris of prejudice. 'The mission of the divine messengers,' said Ibn Taymiyya, is not to change nature, 'but to perfect it.'<sup>683</sup> From this point of view, we can say that the framework which is set up by this positive law to allow the free and legitimate exercise of individual conscience will not only draw a line between what is licit and illicit, but also between what is truly reasonable and what is not. The anti-traditional is thus also the irrational. Again according to Ibn Taymiyya, 'Any aberration is contrary both to reason and to canonical law.'<sup>684</sup>

Far from supplanting or being contrary to morality, this religious legality presupposes it and refers to it constantly. We have observed with what care, when formulating its commands, the Qur'an appeals to their conformity to reason, wisdom, truth, justice and righteousness, among other values which form the very structure of the moral conscience. We have seen how it stresses the consequences which accrue to the soul through its attachment to virtue, how our actions influence our hearts and minds, and the importance of remorse and repentance.

Thus, for the individual conscience.

However, man, a reasonable being, is also a social being. He is at the converging point of two forces, one internal, one external, from which he receives his orders simultaneously or successively. It might also be said that for any man who lives in society, most of his spiritual sustenance and his ideals come to him first from the outside, at the risk, after having dwelled upon them, of his assimilating them more or less completely, or rejecting them and substituting them with better ones.

What is the role for the Islamic community in establishing moral authority? Although limited, it is considerable, since its delineations are the same as those imposed by natural justice and the general rules of revealed justice. It is not only *ijmā'*, the unanimous decision of the competent legislative body, nor only any declaration from the executive power which ensures the communal

order and welfare, that we must loyally respect and obey, but also any indifferent administrative detail legitimately prescribed, because it draws its power from moral law.

In order to demonstrate that the communal conscience is not a fiction in Islam, or even a copy of the individual conscience, we recall the fact already mentioned, namely the obligation for leaders to apply criminal sanctions to persons who merit them, even after they have repented and radically converted; for, from the moment that the guilty change their attitude and adopt a life of irreproachable conduct, is not morality then completely satisfied? And from the point of view of faith, is not the forgiveness of sins assured to those who repent sincerely and with a firm resolution? Nevertheless, the environment that the crime infected must still be purified, to console the general conscience that has been offended, in order to prevent any imitation of the bad example that was given. These considerations of a purely social order have determined a considerably severe way of punishing a man who is now reformed and purified.

Let us recall another social fact, that of an inter-individual order. We have seen that Islam deems the right of others to be particularly sacred. A wrong inflicted upon our fellow human beings, even without their knowing, remains the responsibility of the one who did it, until he has confessed to the victims and obtained a clear and conscious acquittal. The violation of communal rights thus requires reparations other than remorse, repentance, and personal amendment, reparations which go even beyond those of divine satisfaction.

From behind the requirements of the individual and communal conscience, and more inflexible than they, arises the order of universal nature with its inexorable law of causality. One way of behaving leads to a good end, another turns against its author. Wisdom teaches us to weigh the consequences before we undertake an action. Yet, from the moral point of view, such final considerations can only be legitimate to the extent that they do not deviate from duty, but act in harmony with it and encourage it even more. Does a good teacher not have the right sometimes to resort to these conditions to reinforce his teaching? This is the way the Qur'an has proceeded to remind us, in a number of examples, of the natural consequences of our behaviour, consequences chosen from among those that are the most general, realistic and enduring.

A purely moral requirement, an essential social necessity and sound practical sense: thus all the rational sources are united, from which moralists usually draw their arguments to establish moral obligation, each according to their own taste. Secular ethics stop here, but Qur'anic ethics does not maintain just these considerations. While comprising them, it also surpasses them and successfully perfects them through a much higher principle: faith in a sovereign legislator, whose sublime authority is indispensable to the ratification and consecration of any decision taken elsewhere.

On this new terrain, we have seen the Qur'anic commandment supported by three different bases:

- 1) The sole legislative authority of the One who established the command. God deserves His decree to be obeyed unconditionally and without any hesitation,<sup>685</sup> because He is the very voice of *Truth and Justice*.<sup>686</sup>
- 2) The sense of His beautiful omnipresence, this sense being of such nature that it encourages us to do good and do it well, as it is proper discreetly to control our evil inclinations.
- 3) The consideration of such sanctions established by Him.

Regarding this final point, the Qur'anic method of teaching appears to us anew in a complex form, even doubly complex, with a view to both the present life and future life, and warning man that he will receive the moral, physical and spiritual rewards for his actions in this world and the next.

We have considered the question of whether changes in the geographical environment and social conditions may have determined some modification in the Qur'anic conception of the afterlife. In order to provide an answer, we have had to consult the texts anew and to distinguish two categories, according to whether the revelation happened before or after the Hijra. Conclusion: in both periods there are both types of happiness (spiritual and physical), with numerous details. All the same, we have noted a rather lower numerical rating, to the point of rarity, of Medinan texts referring to Paradise and Hell, even in their spiritual aspect. Expanding our field of investigation, we have found that the references to internal values are equally numerous in both periods, according to their respective duration and the corresponding volume of discourse.<sup>687</sup> Contrarily, whereas the eschatological discourse becomes less important in Medina, one sees the reverse tendency manifest in the other considerations. Henceforth, the preaching gives a greater place to the sense of the divine presence, with its day-to-day moral, social and spiritual consequences. One even sees a new category appearing wherein duty is imposed through its purely formal authority. All this leads us to believe, contrary to what has often been taught, that with the Hijra, the Muslim world witnessed a progression rather than a regression in moral ideas.

Whatever the case, given the various means used by the Qur'an to justify its commands, and the greater part that it gives to the highest moral motives, including absolute selflessness and submission to the law through respect for the law, it clearly seems unfair to accuse Qur'anic ethics of being an ethics of self-interest. At most, one might have the right to demand an exclusively moral sanction for a pure ethics. Then one could reproach it for being mixed. Although the material apparatus of future rewards and punishments is not the only one present, it would, all the same, be something whose absence might be wished for in order to give divine sanction its greatest value.

Firstly, we remark that this partially materialistic conception of future retribution is not specifically Islamic. It constitutes the element that is common to all religious ethics which allow mankind another life, where, having being provisionally separated by death, the soul and the body are

reunited again to receive together an eternal reward or punishment. Christian ethics certainly teaches this; the Fathers and doctors of the Church are unanimous in teaching the dogma of the resurrection of the flesh, and its sharing with the soul in the retribution,<sup>688</sup> dogmas solidly founded upon the teachings of the Master and his disciples. Jesus said to his disciples: 'Do not fear those who can kill the body, but cannot kill the soul; rather fear the One who can destroy both body and soul in Gehenna.'<sup>689</sup> He also said: 'Those who commit iniquity will be thrown into the burning furnace where there will be tears and gnashing of teeth.'<sup>690</sup> Gehenna is often defined as: 'the fire which is never extinguished'.<sup>691</sup> The evil rich man, tormented in the abode of the dead, will cry: 'Father Abraham, take pity on me and send Lazarus to dip the tip of his finger in the water and cool my tongue; for I suffer cruelly in this flame.'<sup>692</sup> We read in the Apocalypse of Saint John: 'As for the cowards, the unbelievers, their share will be in the burning lake of fire and sulphur.'<sup>693</sup>

Although the Church has not stated its position on the nature of Hell, it acknowledges that it is a real fire, with its pertaining characteristics: flame, heat, inextinguishable burning, etc. It is thus with good reason that certain theologians uphold the theory that 'God deceives the damned when He gives them the certain idea that they see and feel the fire of hell which engulfs them, whereas actually there is none there', but Descartes responded: 'God cannot lie. How could we trust what God has revealed to us if we thought that He sometimes lies to us? The feeling of the damned is not a lie; they are truly tormented by the fire, for God can make the spirit suffer the pains of corporeal fire after death, as He did before.'<sup>694</sup>

Although allusions to Paradise are less frequent than those to Hell in the New Testament, they certainly bear the mark of material joy associated with spiritual joy. We have read the supplications of the evil rich man, begging for a little water to refresh his tongue; in a more explicit and general saying, Jesus declares: 'And I appoint for you a kingdom . . . that you may eat and drink at my table in my kingdom and sit on thrones judging the twelve tribes of Israel.'<sup>695</sup> 'When you make a feast, call the poor, the maimed, the lame, the blind. And you shall be blessed; for they cannot recompense you, for you shall be recompensed at the resurrection of the just.'<sup>696</sup> Or still more concisely: 'But I say to you: I will not drink henceforth of this fruit of the vine until that day when I drink it anew with you in my Father's kingdom.'<sup>697</sup> A similar thought is expressed by him regarding the manducation at Easter,<sup>698</sup> but the physical aspect of paradisiacal happiness is more accentuated in the Apocalypse of Saint John: 'To him who overcomes will I give to eat of the tree of life which is in the midst of the Paradise of God';<sup>699</sup> 'of hidden manna';<sup>700</sup> 'He that overcomes shall be clothed in white';<sup>701</sup> 'To him who thirsts I will give the water of the fountain of life, freely.'<sup>702</sup> 'They shall hunger no more, neither thirst anymore, neither shall the sun burn them, nor any heat . . .'<sup>703</sup>

Read the description of the New Jerusalem by the same author: 'and the city was pure gold, like clear glass';<sup>704</sup> 'the foundations of the wall of the city were

garnished with all manner of precious stones.<sup>1705</sup> The tree of life produces 'twelve kinds of fruits, and yields her fruits every month.'<sup>1706</sup> Some might say that this was the vision of a Saint fostered by contemporary Jewish eschatological literature.<sup>1707</sup> This may well be the case, but the question remains and either a vision is a poetic fiction, a pure reverie, or it corresponds to some sort of reality, which is not to say that it grasps it in its entirety, but that it approximates it and outlines it. For, 'as it is written: the things which God has prepared for those who love Him are things that the eye has never seen, that the ear has never heard and that have never appeared in the heart of man.'<sup>1708</sup> These are things that the eye will see and the ear will hear at the same time as they touch the heart.

No text actually states that both lives are similar; but neither do they reject the possibility of a certain continuity between them. We might even say that this continuity enables their intelligibility to a greater extent. If the world we are promised is completely new, invisible and intangible, without any analogy to the present one, what influence would it have upon us? And what trouble would one have with one's memories? Shall we be in a position to know one another as easily as if only one hour had elapsed between death and resurrection?<sup>1709</sup> Does not our experience of physical and moral joys and sufferings in this present life serve a higher purpose? Does not its *raison d'être* consist for a large part in initiating us into this new life, in giving us a foretaste to initiate us?

I know the interpretation that we have been able to give to Jesus' words. In order to prepare for attacks by rationalists, while allowing a literal reading of the strangely cruel sufferings inflicted on the damned, one might consider the gospel texts relating to the joys of the banquet declared for the blessed as parables, even though they do not contain the slightest reference to any comparison. These are texts which the first Christians seem to have taken literally, as did the Fathers of the Syrian Church,<sup>1710</sup> and as the Protestants of the New Jerusalem still do.<sup>1711</sup> I also know that the same interpretation could be made for the Qur'anic texts, and perhaps with even better reason, since their teaching is referred to several times as a *mathal*, or parable,<sup>1712</sup> but besides the fact that the term *mathal* may mean 'description' as well as 'comparison', it is very difficult, with so many other passages that do not include this term, to remove the literal meaning and take them to be purely symbolic. It is true that the Qur'an seems to assert that although the delights of Paradise will have some resemblance to earthly things, without, it seems, any substantial identity,<sup>1713</sup> and Ibn 'Abbās even said that they will only be similar in name. But to what extent will they be distinct? Will they be as different as the intelligible is from the physical, or will they retain some analogy of nature? If the resurrected body did not share with the soul in all legitimate joys, would not its resurrection be in vain and in all cases the sanction incomplete? Whereas legal sanction and moral sanction, by their nature, only directly affect one different aspect of each person, either the senses or the conscience, that

which characterises divine sanction must be total and complete. Far from being a fault, the complexity of this sanction seems to us to be a condition of its perfection, since it responds to the complexity of human nature such as we know it in this life and which, unless proven otherwise, must always remain identical to itself, namely, with this intimate connection between the physical and the moral.

One sees now the depth of the Qur'anic notion of sanction. The doctrine does not express the particular tendencies of any one person, nor the personal views of any philosopher, nor the opinion prevailing in any given period, either contemporary to Islam, or preceding, or following it. Universal in its aim, it seeks to be so in its method. The ancient philosophers, from Socrates and Epictetus, as well as those of modern times up to Kant and Mille, the Saints and Prophets from the beginning of time to Moses and Jesus, can all find in it some statements with which they would agree.

This is because it sees the human soul in all its powers and its depths. It means to appeal to all human beings of all classes and levels of intelligence. Not only is it just that a reward should be as complex and complete as the effort which is rewarded, but it is a wise method that a universal teaching should be replete with arguments as varied as the tendencies, temperaments and minds it intends to address, so that everyone can see something likely to convince him, according to his manner of reasoning. The command of duty must find its justification in truth in whatever form it may take; it must be able to prevail upon the soul, from whichever angle it sees it. This is how the Qur'an presents it to us. The majesty of the divine order, its conformity to wisdom, its identification with good in itself, the satisfaction that it gives to the most noble and sensitive feelings, the moral values that its application is destined to realise, its glorious aims for this life and the next – all converge to establish the supreme authority of Qur'anic duty.

Now, instead of solving all the problems, our conclusion seems to raise one further difficulty: with every energy thus mobilised, every sinew flexed, every instrument tuned and ready to play under the bow of the will, can it be said that the will has the right to borrow its motivation from such diverse realms? From the point of view of the Qur'an, can it all be legitimately set up as a maxim for action? After having reconciled the divergent tendencies, and responded to every legitimate demand concerning sanction, as well as its way of demonstrating its teaching, does Qur'anic ethics appear to be indifferent to the realm of intention? Is it satisfied with a material conformity, whichever principle inspires it, or even with the complete absence of any sense of duty? Such is the question which is immediately raised with such urgency, and to which we devote the next chapter.

## INTENTION AND INCLINATIONS

*Intention* in the broader sense of the word is the movement by which the will tends towards something, either in order to *achieve* it or to *obtain* it.

The immediate object of the acting will is the action it undertakes to accomplish, but this undertaking can only be fully voluntary if a person sees some good at the heart or the periphery of the action, which justifies it in their own eyes and which is its *raison d'être*. It is the mediate object, the ultimate end towards which the intelligent and conscious effort inclines and which it intends to reach.

One calls this distant object an *end* or an *aim*, insofar as it is the reality to be pursued and attained; but inasmuch as it is a concept or an idea which instigates and prepares the voluntary activity it is called a *motive* or an *inclination*, two terms which are generally considered synonymous even when they have enough differences to give our representations different roles in the preparation of an action. As a *motive* the idea of a good result plays an essentially intellectual role; it serves to justify the intended action, to make it reasonable and to show that it is well-founded, but once this intellectual stage has been passed, the idea of the aim becomes a motivating force which pushes our activity forward; from the point of view of this influence on the will it is called an *inclination*. Kant goes even further in this distinction, giving the name 'inclination' specifically to the subjective aims that are only valid for the subject, whereas the term 'motive' designates the objective aims that are valid for all rational beings.<sup>1</sup>

Whatever these differences may be, our essential starting point in this chapter is the clear distinction between two types of objective of the will: the *what* and the *why*. We take it for granted that, in a normal, carefully thought-out decision, the will necessarily observes two things: one which bears upon the action and the other upon its conclusion. While the eye of the will may be strained in searching for the conclusion, it is never completely closed; the object under consideration may be far from any clear awareness, but it is at least present if only in the subconscious, or the deepest and innermost part of the unconscious. It is even the prime principle that inspires it and determines its movement towards action. These two aims of the will already constitute two different objects of study in the field of knowledge. Whereas the intention



that seeks a conclusion is used particularly frequently among moralists, psychologists and jurists are more concerned with the study of intention in a general sense, a sense which is usually objective. It is therefore possible to distinguish between these two kinds of intention, calling them respectively moral intention and psychological intention, not because morality is indifferent to the choice of an immediate object (on the contrary, the choice is its preliminary condition), but because the action which entirely lacks a primary intention becomes *amoral*, which is to say impartial, whereas the will which pursues unjustified aims is *immoral*, or blameworthy. While a psychological intention gives the action its right to exist, it is difficult for it to make it valid or imputable; a good moral intention is what gives it its value.

It would have been better if the different groups had designated these two terms in line with their common usage, but regrettably this is not the case. They are always confused by being given the same name, leaving us to decipher their exact sense according to the contexts and circumstances in which they are used. Those who love clarity and precision have to resort to distinctive adjectives like 'first' or 'second', 'immediate' or 'mediate', 'psychological' or 'moral', 'objective' or 'conclusive'. Meanwhile, in order to dispel this confusion and keep their discourse brief, certain moralists reserve the name 'intention' for that which is related to the action and 'intentionality' for that which bears upon the conclusion.

In our case, for greater clarity we shall call these two sections 'Intention' and 'Inclination'.

### 1 Intention

For the moment we are going to suppose that the will can be confined to the action, entirely absorbed by it, with no other aim or after-thought, having completely cut itself off from the deep reasons which determined it. The gaze that it trains upon the action that is to be made, or is about to be made, is called an *intention*. Poised on the threshold of *acting*, an 'intention' means a more or less firm decision: *‘azm*, *qaṣd*. When it co-exists with it – and that is when the word 'intention' (*niyya*) is the most appropriate term – the psychological consciousness accompanies it, meaning the attitude of an awakened mind that is aware of what it is doing. However, in both cases, and inasmuch as it is a matter of doing one's duty, the notion of *intention* must here include the following three elements and these three only:

- 1) to understand what one is doing;
- 2) to want to do it;
- 3) to want it precisely because it is commanded, or prescribed.

It is therefore the consciousness that we have of our voluntary action, either when it is about to be executed, or is in the process of being so, while knowing that, through it, we are proceeding with an obligatory task.

Thus defined, the notion presents a number of problems that need to be resolved. What would happen if the intention were made completely or partially in error? To what extent can the intention change the nature of the action? When a moral deed is performed does primacy belong to the action or the intention? How far can the intention alone fulfil the role of a perfect duty?

#### *A Intention as a condition of validity*

In order to bring a little more clarity to the first question concerning the absence of intention, let us first recall what has been said on the subject of responsibility. We have seen<sup>2</sup> how Islamic law ignores any action in which either of the two mental elements, knowledge and will, are missing. The unconscious action, the purely physical deed that we produce without our noticing – when we are sleeping for instance – cannot be qualified as either good or bad, since it cannot be imputed to us. It is the same with the conscious, but involuntary action. It is not a deed that is performed without our knowledge, but independently of our will, as an event that we experience, which comes from an irresistible force, such as a fall or a collision. So far, we have said that legal and moral principles go together; they begin to separate as soon as it is a matter of a conscious, voluntary action that is not intentional – in other words, where the law bears on one side and the will on the other, so that, even though the action may be said materially to conform to or contradict the rule, it cannot be considered so with regard to the spirit in which it was produced, such as homicide committed by mistake, or any other act which was well intentioned, but which caused considerable harm to others. Whereas moral law, as well as penal law, declares that our actions are only ours in proportion to the degree of intention with which we performed them, civil law tries to find a compromise: while acquitting a person it still uses some of his resources for reparations for the damage caused.

These considerations, which have been made with regard to responsibility and sanction, must now be examined from the point of view of validity. From this latter point of view, our conclusion seems to be refuted and opposed by several points where Muslim law appears to be satisfied with the result obtained, whether it is produced in opposition to the intention, or even without one's knowledge. Thus, the paying of a debt can be done by a third party, without telling the debtor or being refunded by him, even if the creditor resorts to severe measures and arrives to get his due. The repayment of a debt, or the material assistance to those in need can be made under the same conditions, to the extent that, in the case of a person who refuses to pay their tithe, the government not only can, but must proceed to put all kinds of pressure on the rich in order to ensure that the poor get their due. The difficult battle that Abū Bakr, the first Caliph, conducted to this effect is well known.

However, none of the cases mentioned present any serious problems and are not the kind to perplex the moralist. It is not true that we are completely

freed of our duties through a deed that is produced independently of ourselves, or in spite of our will. In the above-mentioned examples one must distinguish two very different aspects of duty. Because justice demands that everyone should possess that to which they are entitled, a dual obligation follows: firstly, whosoever holds something illegally must give it back to its rightful owner; secondly, the community must ensure that those who have rights are not injured. If restitution is not made by the one holding the item, intervention becomes necessary in order to re-establish order. Not only must the state, as the supreme authority which represents society in this general task, ensure that justice reigns among its citizens, but also each member of the community is subject to this moral necessity, within the limits of their legal means, so that it would be a crime for anyone to allow vice to flourish and to leave justice unsatisfied. Those who succeed in fulfilling my social duties on my behalf, or who force me to perform them in spite of my reluctance, do not actually do so for me, but for themselves, in virtue of another duty. Even when the latter has been fulfilled, and justice has nothing to claim against me or anyone else in favour of a third person, my duty to myself will remain as long as I do not personally participate to perform it willingly, and with full awareness of my responsibility.

It could be insisted that this answer is not sufficient to reconcile the facts in question with the suggested principle, for it could be said that we will always accept a duty, whether general or individual, which is likely to be performed automatically or under duress. Our answer is that, when making the distinction between two aspects of one duty, we distinguish likewise two subjects of obligation, one which is primary and another which is subsidiary: now, not only does the performance of the latter not necessarily lead to that of the former, but, considered separately, each subject is only liberated from his obligation on condition that he knows what he is doing and what he expressly desires.

There only remains one more point to be explained about these matters: it is the relationship of society and the individual in Muslim law, which makes society appear so undemanding in moral matters that it ceases to require the compliance of its citizens as soon as it obtains a physical deed from them, even if it were done absolutely unconsciously.

The answer to the question is easy. How could it be otherwise? Can we force someone else's conscience? Do we have any claim upon it? Even in the most ordinary circumstances, do we have any other choice than to assume that others have good intentions, or to presume so, according to the external signs? It is incumbent upon the community solely to safeguard general order, to defend the common law and to prevent any obvious injustice. Each one of us is responsible for watching over our internal attitude, to verify its conformity to the spirit of the law, but then, from our present point of view, must it not be concluded that Islamic law is really based upon *pure objectivism*?

The principle which emerges from this study is altogether different from

the one we have seen so far. Whereas, from the point of view of responsibility and sanction, morality and legality only separate half-way along the path, we now witness, from the point of view of validity, a radical separation right from the beginning between moral and social law. Morally, no account can be taken of an action if it is not also conscious, voluntary and intentional. However, none of these conditions is indispensable to satisfying social obligation. All that is needed and sufficient is that the action fulfils certain conditions of time and space, of quantity and quality, which are entirely objective, even though the resulting action should happen by itself, without it being known or willed, under duress or by chance. Without doubt, general opinion is not completely satisfied with that; it categorically refuses to give consideration to deeds accomplished in such circumstances, but this opinion is of a purely moral order.

The most serious objection is to the discovery of *moral deeds* that are unrelated to social life, where the law would be satisfied either with the physical expression of duty in the absence of its psychological reality, or with the presence solely of the latter without requiring it to have a moral reality where the notion of duty plays an essential part in the conscious and freely chosen action. In principle, such deeds cannot exist.

In the first place, the Qur'an requires of us a psychological consciousness, an awareness of what we say and do, through its forbidding us to undertake our sacred duties when we are in a state of distraction, faintness or drunkenness.<sup>3</sup>

Secondly, it requires a moral conscience in the most elevated sense of the term: consent of the heart, spontaneity of action, delight and eagerness with which one performs one's duty. These are the qualities which make our actions agreeable in the eyes of God. This is why, regarding those who perform acts of piety and charity, but who perform them nonchalantly and against their will, the Qur'an declares that their works are not accepted at all.<sup>4</sup> This is also why it says that those faithless, cowardly people who perfunctorily profess a hypocritical faith are not counted among the believers.<sup>5</sup>

According to the Qur'an, the express condition of morality (and of faith itself) is that one freely accepts all the dispositions of the law and submits to them entirely, to the extent that one has no objection to them.<sup>6</sup>

However, in order to provide the reader with a general phrase which encapsulates and even goes beyond all these Qur'anic examples, it is better to recall the famous saying of the Prophet, which al-Bukhārī places at the beginning of his collection of authentic *ḥadīths*: *innamā al-a'māl bi'l-niyyāt*. This phrase, which is generally translated as: 'actions are only judged according to their intentions', is actually more exacting and more categorical than this translation. Literally, it says: 'actions only exist (morally) through their intentions.'

Nevertheless, there are some individual duties – some religious practices, to be more precise – whose total absence of intention is generally, if not

unanimously, tolerated by Muslim scholars. This is the case, for instance, with ritual ablution and with all preparations for prayer. It is well known that, when undertaking to perform the prayer, every Muslim is obliged to create a kind of antechamber, a transition between the profane world of this earthly life and the sacred world of the spiritual life. He must first remove all spots and dirt from the place of worship, as well as from his body and clothes, which must be decent. According to circumstances, he must then proceed to make the partial ablution (washing of the face, hands, feet, and passing wet hands over the hair), or the full ablution (washing the whole body). Then he must face the sanctuary of the Ka'aba<sup>7</sup> in Mecca, and remain in that position for the duration of the prayer. Concerning the position of the body, the clothing and the natural washing of the body, it is almost unanimously agreed that a conscious and voluntary action is not at all necessary, but as for purely ritual cleansing (the ablution), opinion is divided: whereas the Hijazi and Egyptian Schools (the Mālikites, Shāfi'ites and Ḥanbalites) demand that an intention has to be made for it, seeing it expressly as a duty in the preparation of prayer, the Iraqi School (the Ḥanafite) is satisfied with the correctness of the objective deed, even if it is unconscious. A similar controversy appears concerning standing on Mount Arafat during the pilgrimage to Mecca.

How are we to explain these exceptions, which tend to destroy the general principle of intention which the Prophet declared to be inseparable from any moral activity?

The supporters of the Iraqi School have attempted two explanations. They begin by adopting the common interpretation of the *ḥadīth* concerning intention: the invalidity of the non-intentional action is only a figure of speech. The intention is a necessary condition, not for the simple existence of the moral action – in other words its validity – but for its perfection and full value. They accept, in agreement with their opponents, that a duty performed without presence of mind and without any consideration for its imperative quality will have no positive value and will merit no reward; they do not, however, regard it as absolutely invalid, or as a culpable act of neglect. They at least remove from its author the obligation of performing it again with intention. Secondly, assuming that the *ḥadīth* declares any unintentional act to be completely invalid, these commentators maintain a restriction upon it by applying it exclusively to essential duties that are required for themselves, and not as means to other duties. The ablutions benefit from this tolerance, as they are required only as a preparation for prayer, which is the primary duty.

This twofold explanation does not seem entirely satisfactory to us; in the first part, it abandons the proper meaning of words without any apparent reason; in the second, it systematically removes all auxiliary duties, when, according to that very same School, some of them must be performed expressly as duties (as with the symbolic ablutions, which are called *tayammum*). We shall try to discover the real cause of this tolerance among both Schools.

In our opinion, none of the tolerated cases represents a restriction placed upon the principle of intentionality, but actually a different conception of the object intended by a particular practical rule, and this difference is represented by two verbs: *to act* and *to be*. As long as the matter concerns an activity to be undertaken it can only be voluntary and it is only considered ethical if the will bears upon the obligatory character of that activity. Morality and intention are indissolubly linked. It is the opposite when it is only a question of a *obtaining a certain state*. Here, there is little significance in the manner in which the *state* of things is produced: not even chance and miracles have to be excluded, and it is clear that, in such conditions, the result obtained by any means frees us completely from our obligations, since it is only necessary for the thing to be, and then it is. We believe that there is a deep reason for all these exceptions where, beyond the positive duty that unambiguously necessitates the dynamism of the will, one sometimes sees another negative or passive necessity, a static duty, if one can explain it in this way. Some laws are represented as requiring from us not only an *activity*, but also and above all a *result* to be obtained at any cost, even having only the result in mind. The issue of knowing whether one particular law or another really has this aim in view is a matter of detail, which somewhat concerns its application. We shall attempt to clarify the general point of view that governs all these cases of tolerance.

The principles of Muslim law have already distinguished two important distinctions in the statement:

- 1) *khiṭāb taklīf*: a *prescriptive discourse*, relating to something to be done or not to be done;
- 2) *khiṭāb waḍʿ*: a *stipulative discourse*, which institutes a conditioning, causality, or a state of validity or invalidity.

In this analysis it is understood that individuals who cannot be subject to obligation are no less liable to be affected by specific provisions. For example, the assets of children and the insane are taxable in the same way as those of other members of the community. As soon as the taxes are settled on time the law is completely fulfilled, meaning that when these individuals have attained, or recovered, their moral acumen they will not need to make any payment again, with intention.

In the distinction that we have just made between the *duty-to-act* and the *duty-to-be* we have taken advantage of this old juridical notion, making it clearer and simpler and extending it to moral deeds. Thus simplified and expanded, this notion is then able to resolve at once the two kinds of problems we have encountered. It will not be difficult to test it on all the cases mentioned above, whether individual or social, where the deed performed unconsciously or under duress has had some chance of being validated.

Must it be said that none of these attempts aims to reintroduce objectivism

into ethics, or to grant some sort of reward to the unintentional act? It is only too evident that such a deed cannot be imputed to anybody; it is a kind of anonymous action, which brings no merit to the subject. And we have seen how the Iraqi School, which is the least demanding with regard to intention as a condition of *validity*, goes along with the other Schools to demand it as a condition of *value*. Here, unanimity is attained. Actually, it is a matter of finding this unanimity with the other half of the problem; of showing that, in reality, as long as it concerns a *real, positive duty*, no Islamic doctrine, to our knowledge, has ever granted moral validity to an objective deed where the notion of duty was absent from the conscience.

We have come to see that, where this validation has sometimes been able to take place, the law has been viewed as a form of *neutral, impersonal justice*, aimed at the thing, not the person, as if its formulation was not: *you must do . . .*, but: *it is necessary that this is . . .* This means that one has begun, in a given case, by removing the notion of obligation in the moral sense of the word. Therefore, the general and necessary link that the *ḥadīth* has established between 'action' and 'intention' is unanimously respected.

### *B The intention and nature of the moral action*

Examining the first question concerning the absence of intention has allowed us to establish the principle of intention as a condition of moral validity for any action. The unconscious deed, the involuntary action, or even the conscious and voluntary action which is seen, not as an act of submission to an obligation (or an omission), but simply in its natural and profane aspect, cannot acquit us of our duty when there is one.

We shall now examine the active role of intention, how effective it is when it is present. Firstly, the question of whether it is able to bring a profound change to the very nature of an action; whether, in other terms, an evil deed made with a good intention acquires moral value and therefore becomes a virtuous deed; and whether the opposite is also true.

Before answering this question, we believe it necessary first to recall the meaning of the terms in which it is posed. What does a good or bad intention mean? If we continue to assume that the will is confined to its actions and their qualities, without any account being taken of the motives that are likely to affect it, then the goodness of the intention will not consist here of the noble aims by which the will may have been motivated. As the study of this conclusive notion is reserved for the second part of the chapter, the value of the intention here derives solely from the way in which we judge that intention, according to whether it agrees or disagrees with the law. It is understood that our moral judgements do not necessarily coincide with the reality of things, and it is quite possible for the will to deviate when it pursues something that might conform with or contradict duty, but which does not do so in reality.

The question is whether it is sufficient to judge an action sincerely accord-

ing to whether it is permitted or proscribed, and to pursue it as such, in order that it may be so, if not in itself, then at least for us. This is a question which is extremely difficult to answer categorically, either in the affirmative or the negative.

On the one hand, if one adheres strictly to the terms of the theory which holds that a good intention alone constitutes a moral good – ‘the absolute good without restriction’, ‘the only good in the world and even outside of the world’<sup>8</sup> – one will logically be driven not only to justify every error or aberration of the conscience, but also to take these as absolute values and perfect models of virtue. Such an attempt would be absurd, and it is desirable to exclude such cases – which Kant also tried to do – as ‘actions contrary to duty’, precisely because the cases in question are assumed by their author to conform to the rule. If one is of the opinion that, besides that of the intention, there is a requirement for a material conformity to the law as it is in itself, one will only then demolish what one is in the process of building, by reneging on the principle of the absolute value of good will which has been stated.

On the other hand, if one holds that the views of the conscience are powerless to change the nature of the action, then the most culpable designs and the darkest intentions must be accepted at the heart of morality in the same way as the most justified intentions, on the sole condition that the content of the action is without reproach in the eyes of the law.

Incapable as we are of responding with a categorical *yes* or *no*, the dilemma in which our problem places us can appear to be intractable. Yet this dilemma clearly maintains an immoderate demand for an absolute, a demand which cannot be met in any sane conscience. In our moral judgements, we cannot accept that our internal views have no effect on our external actions, but we do not go as far as rejecting the value of these actions. The task of a moral philosophy that wishes to remain close to the *acts of conscience* which it interprets will therefore be simply to clarify and emphasise the nuances of this just, if somewhat vague, feeling, and to determine the limits with as much precision as possible.

How have the most authoritative Muslim moralists tried to fulfil this task? And again, what is it exactly? For he who takes a decision (which is ethical), four cases are possible. Does he intend to act in conformity with the law, or against it? In both cases, does his behaviour itself conform with or contradict what the law prescribes? Let us leave the case where his judgment corresponds to the thing, since there is no difficulty for the moralist with that hypothesis. Let us retain only those where the objective and subjective disagree.<sup>9</sup> Which of the two points of view must be assessed? Does the way in which we see a particular action, our way of judging whether it conforms with or contradicts the rule, definitively decide on the value of our conduct, and impress its moral character upon it? This is the issue.

Now, we acknowledge that in this matter the response of Muslim moralists does not always follow the same line: sometimes it is intention, sometimes the



physical action that marks the decisive factor in their retributive judgement. The first such case is that of an action which conforms and an intention which goes against; the second is the opposite.

- 1) When the author of an action is mistaken about its moral nature, and, thinking that his plan is going to be contrary to the rule, he carries it out all the same, there is no doubt that, with the intention to abandon his duty, he does not condemn himself because of the way in which he behaves. Here, 'the content of the action is nothing, the intention everything'; such is the clear and unanimous verdict of Muslim scholars. The following examples show how they extend this judgment to all areas of duty: a man who takes possession of something which he assumes to belong to someone else, but which is actually his; another who mistakes the nature of a fruit juice offered to him, taking it for an alcoholic drink, deliberately consuming it when it is actually innocuous; another, thinking that he is about to die, and being therefore obliged to pray in advance, neglects to do so at the optimum time, although, once his fears have vanished, he performs them at the usual time. In short, whoever undertakes an action which is blameworthy in their own eyes, however lawful it is in itself, commits a crime with regard to the moral law through their intention, despite its material conformity which removes it from legal sanction.
- 2) Is it the same in the opposite case? Does a good intention possess the transformative power to change evil into good? Here is an example: we know how sensitive people are with regard to their objects of worship, to the extent that an insult addressed to a false god that they love could well provoke them to blaspheme against the true God. This is why the Qur'an forbids such provocation.<sup>10</sup> Suppose, however, that a fervent believer is carried away by the ardour of his faith and without thinking of such inevitable reactions, unwisely expresses his contempt for idols. Is he not justified because of the purity of his intention? Another example: Qur'anic ethics condemns not just blasphemers and slanderers,<sup>11</sup> but also those who passively listen to them and who thereby become their accomplices.<sup>12</sup> However, if I wish no ill towards the slandered person, but I believe that I have to be on good terms with everyone, neither offending nor vexing anyone, can I not simply conceal my real feelings and leave the slanderer alone, to whom I must give some respect? Can I not tell myself that by acting in this way I behave well?

A third case: it is true that propagating true knowledge is a duty for everyone, according to their means. We must share with others the truths that we possess. It goes without saying that we must do so with discernment. Knowledge is a two-edged sword, which can serve justice as much as emotion. Those whose character, interest, or habit leads them to make ill-use of it should not therefore be entitled to receive our teaching; but if it is not my

intention to aid them to do evil, if I wish simply and honestly to enlighten them, leaving them to act entirely according to their own responsibility, is that not a praiseworthy and generous act on my part?

No, is the emphatic answer given by our moralists. Evil can never become good through the alchemy of the will, by the good nature of the unenlightened conscience.<sup>13</sup> Our error does not have the magical gift of purifying impurity. On the contrary, in the words of al-Ghazālī, this interpretation which we apply constitutes another error; he says that the one who wishes to do good by doing evil does so either with full knowledge, in order to oppose the established law, or through a twofold ignorance (if he is ignorant of the law and is ignorant of that of which he is ignorant); now, he says, it is the duty of every Muslim to enlighten himself about his real duties and to submit to them. No excuse<sup>14</sup> can justify this ignorance, except in the case of a new convert.<sup>15</sup>

Furthermore, we say that, if ignorance can be an excuse, can it raise the erroneous intention to the rank of a principle of morality? If it were so, why would it still be necessary to rid ourselves of our ignorance, to turn away from our errors?

The Prophet did not only say: 'Actions are only worth, or exist, according to their intentions.'<sup>16</sup> He also said, 'Any action which does not conform to our law is rejected.'<sup>17</sup> Is this not the best proof that good behaviour does not reside in the good intention alone, or in the exactitude of action alone, but in the union of form and matter, where one does not dispense with the other?

The complete formula of duty is given in the famous *ḥadīth*: 'God does not look at your outward appearance or your riches; He watches your heart and your actions',<sup>18</sup> and in another *ḥadīth*: 'God does not accept a word which is not translated into an action; and He accepts neither action nor word, if it is not from a good intention.'<sup>19</sup> Ḥasan al-Basrī and Sa'īd ibn Jubayr took up this chain and continued it, saying: 'No word or action is valid only because of its intention; and neither word, nor action, nor intention is valid unless it conforms to the established tradition.'<sup>20</sup>

These two conditions do not mean anything without a third, which is already implied. We said that it was not sufficient for the action to coincide with the rule, but that it had to be willed and freely accepted. In order for a rule to be followed freely, it must be already known. This is why the Prophet divided judges into three categories out of which only one will be saved. 'The judge who will go to Paradise is the one who knows and applies true justice. Those who, out of ignorance of the law, judge arbitrarily between men, and those who know the truth but do not take it into account will be thrown into hell.'<sup>21</sup>

It must be admitted that these declarations awaken in us the most profound anxieties for ourselves, for if the true definition of morality consists of this threefold requirement, what assurance do we have that we are conforming to it? Who can guarantee that, in a particular case, we know and follow the objective law which actually rules it? If the intention to violate the law must

incriminate the rebellious soul, how can an involuntary violation invalidate our actions when it does not depend upon us to avoid the error? If, on the other hand, through wishing for good we unwittingly fall into evil, and our good intention is not enough to justify us, so that strictly we only merit a generous act of forgiveness, is the effort that we make in our search for the truth then invalid, worthless, undeserving of any reward because of its lack of success?

In order to dispel these anxieties, let us remember the supreme canon of Qur'anic ethics: *Nobody is burdened with more than they can bear*. We are not required never to fall into error, or to fulfil the strict form of duty itself in all circumstances, but to make a constant effort to increase our awareness of this objective law and be guided by that light. Nevertheless, it is one thing to have the desire to live according to truth and the idle belief that we do so already; and another to use all the means in our power to reach it. The Qur'an ceaselessly reminds us that a simple error made in good faith should be excused, but it does not follow that the effort with which that error was made, and which excuses it, has no weight in the moral scales. It is the Prophet again who brought us such consolation, saying: 'When a judge makes an effort (to apprehend and apply the true word of justice) and succeeds, he will be rewarded twice; if he makes the effort, but commits an error, he will only be rewarded once.'<sup>22</sup>

We now have all the elements necessary for explaining the paradox mentioned at the beginning of this section. By attributing a degree of influence and efficaciousness to a bad intention, which has been denied to the good will, it could be considered that we are dealing with two very different conceptions of the value of the internal aspect, which sometimes dominates and sometimes yields to the material aspect. We now know that these two judgements proceed from the same moral principle, namely, the necessity for both the form and the content together. If one of these elements is missing, it reveals its necessity by the void that it leaves in the moral deed, and by the powerlessness of the other remaining element to constitute complete virtue by itself.

Moral good, taken in its entirety, consists neither of a purely internal state, nor one which is purely external, but in the interaction between them, an interaction which, to merit its name, must embrace both at the same time. Needless to say, the material element is insufficient: an action which is entirely external, such as that which proceeds from an automaton, will indeed be of great service to society, but it is not related to our personality. According to the phrase coined by Kant, it might very well ensure legality, but never morality. It appears that demonstrating the other proposition is much more of an arduous task. Does not the spiritual element constitute the essential part, if not the totality, of duty? It is such a commonly held idea that it seems audacious to doubt it or restrict it. Some details must be mentioned first.

In the first place not only does the notion of *willing* subsume either in

principle or in theory that of *being able* (the act of willing being impossible in a state of real and complete despair), but inasmuch as *willing* and *planning* are differentiated in accordance with the present and the future, the will assumes that some external activity will immediately ensue, which will be at one with it when that time comes. Already both things are united within our conscience like two organs within the same body. Just as, in a normal state, a cell never functions solely for itself, so our faculty of decision-making rarely attempts to put the finishing touch to a practical action; it sees itself in relation to our power of execution as a scout who prepares the way for the soldier. It does not determine the plan of action in order then to stop it there even for one moment, but expressly in order to pass it immediately to the executive, the only creator of the objective good, which is intended.

Secondly, one may rightly ask whether, as long as the internal action has not begun, even if it is only a muscular or cerebral movement, it has definitively left the stage of speculative ideation and aesthetic contemplation to enter the realm of moral practice, or even simply that of practice – in other words, that of the will.<sup>23</sup> To will is actually to move oneself in a centrifugal movement that leaves the idea and directs itself towards the action. Volition is the orientation of the ideal towards the real; and it is along this trajectory from the inside to the outside, from conscience to experience, that the moral deed is found. It is not a static state, a solitary act of worship enclosed within the sanctuary of the heart; it is a living force, a movement of expansion which has its point of departure at the centre, and its point of arrival on the outside. Thus, not only does intention call for action and wait to be followed by it, but it contains it in the form of a seed, if not in a nascent state.

Let us go further. Imagine a world in which man retreats into himself, reduced to nursing his hopes, forming his plans or even making futile exertions. Supposing he is condemned to go round and round, with no consideration of, or power over reality. What rational aim could cause him to create such a collection of inoperative ideas, of failed plans and abortive attempts? Would that really be the ideal type of rational nature? We rather think that any being endowed with rationality has a mission on earth to create contingent objective realities, and that his moral role is to subordinate this creation to the idea of good, in order to make the world more and more perfect. This dual role of deciding and realising, which is normally considered to be shared between two distinctive powers in man, is required as a whole by the indivisible moral conscience. Even when the effort of execution is contradicted or thwarted by insurmountable obstacles, we are not left just to experience these internal demands.

In truth, two possible cases must be distinguished here: either these insuperable obstacles appear to us at the moment when the will is about to take flight, and so the very act of willing is immediately cut off, since it would be contradictory to will the impossible; or, the impossibility surprises us after a decision has been made. What deception the virtuous man experiences in his

expectation of the objective value that he sought! The cold shower that quells his enthusiasm when he is faced with a preventable evil, or some good that might have been achieved, will be more painful the greater the interest that he had in the realisation of his ideal and the more joyous the reaction that he had prepared for it. What is there to be said, except that in these conditions the moral conscience considers its mission unaccomplished? While an impartial observer might grant him forgiveness, in view of the limited power of human nature, the inner regret that the man feels is an act of accusation against himself. To him, it means that the effort he has made has left much to be desired, as if it depended upon him to do better in reaching the goal.

However, speaking hypothetically, and in the case where we must excuse the thwarted good will, should this state of impotence be seen as the model for a complete moral action? From the point of view of having the right to be forgiven, we certainly establish a difference of degree between the necessity of the internal element and its physical expression. The compliance of the will is such an indispensable condition for morality that the slightest lack of internal submission is enough not only to remove all value from the most correct action, but even to make it criminal. It is an absolute and basic necessity, whereas, although the external non-execution or non-conformity of the will damages the moral deed and makes the action accomplished in good faith imperfect, it is condemned only inasmuch as there is no material impossibility or complete ignorance. We can therefore call it the absolute necessity of perfection, or the conditional necessity of simple morality; but this is only a subsidiary point of view. The principal position of duty is the requirement for a completed deed in which the entire human being is engaged, where the moral and physical aspects are incorporated into the creative and organisational faculties and the power that makes things happen; where the brain that thinks, the heart that rejoices and the arm that acts all come together.

Nevertheless, it remains that, even from this point of view, the question arises as to whether both of these requirements attribute an equal or unequal value to the two constitutive parts of the complete moral act. This is addressed in the following section.

### *C The prevalence of the intention over the action*

We have dissected, so to speak, the intentional act and distinguished two layers in it, the internal and the external (intention and execution). We have alternately changed the conditions of each of these two elements in order to assess the degree of their respective importance in the normal structure of duty. As this modification has caused the partial or total collapse of this structure, we have concluded that their presence is necessary for constructing a complete moral action.

This process, however, which is a kind of reasoning by the absurd, assisted by an analysis of moral experience, provides us with a rather negative aspect of the problem, by showing us the adverse effects which the absence or

violation of one of the parts may produce. It does not teach us about the nature of their positive contribution in realising good. In order to do this, we are now going to return things to their original synthesis and, watching the dual nature of the moral act at work, try to assess the various benefits according to their correct value, which it is called to create in the world or in ourselves.

It is generally agreed that duties are divided into those towards the self and those towards others (the definitive duties to God are duties to ourselves and our obedience or disobedience is unable to increase or decrease by one iota the greatness and holiness of the Divine). As there is a certain affinity between the concept of intention and that of personal duty, so there is a clear link between the manifested action and our social relationships; one could firstly proceed to a sort of distribution of attributions by assigning two different zones of influence to these internal and external factors, and conclude from that an almost equal value for two different points of view, intention and action. The role of the former would be to establish or maintain the purity of the heart and the nobility of the soul – in a word, the perfecting of the self itself; the aim of latter would be to ensure and develop the well-being of our fellow human beings.

This way of seeing the matter would be erroneous in two ways. Firstly, it would overlook the fact that our social duties do not consist entirely of manifested actions, any more than our personal duties consist solely of internal actions: we must love our neighbours, not envy them, nor despise them ... and we must protect our own life, earn our daily bread honestly, plan our expenses sensibly, being neither wasteful nor miserly ... Secondly, it would also fail to acknowledge the solidarity that we have just established between intention and action in all circumstances and with regard to each duty, whatever it may be, whether spiritual or corporeal. Even when we make an effort to improve our innermost moral character, it is still necessary to distinguish between the two different phases: the decision to undertake this task as commanded by the law, and putting this decision into practice.

A complete study of the positive role of intention must therefore not be limited to a comparison of the physical and the psychological, or the soul and the body, as is usually done; it must analyse the relationship between the decision-making faculty and the power of execution in both the internal and external aspects of the latter.

Inasmuch as it is a matter of comparing an action of the heart and a movement of the body, there is no doubt that Islamic ethics does not give primacy to the internal reality over its physical expression. The Qur'an insists most often on both factors together.<sup>24</sup> Whereas one never sees it praise a good deed which does not spring from the depths of the soul, quite frequently it mentions particularly the action of the heart alone, either as a value in itself,<sup>25</sup> or as the most essential condition for eternal salvation.<sup>26</sup>

It is in the *ḥadīth* especially and the texts of other commentators that we

find the privilege accorded to the inner disposition expressed in the most emphatic manner. Let us take as an example the notion of *piety*: *taqwā Allāh*, in which nearly all of the other Qur'anic precepts are condensed, and which is mentioned more than 220 times in the Book. The Qur'an means by this term an obedient and respectful attitude towards the divine order, which must be understood in its widest sense,<sup>27</sup> or in the particular sense of a prohibitive commandment, as opposed to the meaning of *birr*.<sup>28</sup> In both cases, it seems most often to imply total obedience, wherein physical and moral powers collaborate, but the Prophet stressed the inner aspect so clearly that he designated it as the very essence of that virtue. 'This is where virtue is found', he said, pointing towards his heart, repeating the same gesture and phrase three times.<sup>29</sup> Following his example, moralists such as Ḥakīm al-Tirmidhī and al-Ghazālī made this internal element the very definition of piety. Al-Tirmidhī wrote: 'Piety is purity of the heart; it is the care that we take to keep it away from vices and blemishes, just as someone who has just bathed and dressed in white takes care to avoid spots and dust.'<sup>30</sup> 'Piety', said al-Ghazālī, 'is the quality of a heart which has turned away from the love of the world and sacrificed it to the love of God.'<sup>31</sup>

It might seem paradoxical to attribute primacy to a subjective aspect of duty which only constitutes a stage that is far from any actual good. It is not by a simple internal act of love for my neighbour that I can save his life, or provide him with the well-being which is his right. Certainly this is true, but, more importantly, we must not exaggerate the role of the definitive result in the fulfilment of duty. Since the final result does not depend solely on our moral effort or on our physical activity, but needs a multitude of natural, or even supernatural conditions to work together, we find that our duty is considerably limited: it is restricted to using, but not bringing to fruition, the means at our disposal. After that, the mind, the heart and the body are presented to us as causes that have only a distant connection to the final outcome, wherein is the objective good. Certainly physical activity can be considered as the nearest stage to this term in the chronological order, but actually this chronological proximity plays no part in our moral evaluation, at least in order to prove that it benefits from an independent causality in relation to a previous stage. In the opposite case, our evaluation must be transferred in order to be attached to this antecedent, which has unleashed the whole process of causality. In other words, if the moral aspect acts effectively upon the physical, either for good or for bad, its action must give it the initiative over the latter, even though it is more moderate with regard to the result. This is precisely how things are seen in Muslim ethics.

The two moments of our activity are not seen as supporting a simple relation of succession in time, but as linked by a relation of cause and effect. Only those who are short-sighted and cannot see further than what is immediately before them are able to attribute to the nearest cause the merit of producing the effect. Can one reasonably praise the role of the machine in

modern civilisation to the extent of having it surpass the mind that invented it, the hands that make it work and the will that regulates it and adapts it to our needs? Judge then, in comparison to that, our own machinery of flesh and bones. The Prophet told us: 'It is through the health of the heart that the body is healthy, physically as well as morally.'<sup>32</sup> And also: 'The heart is a king and the limbs his army.'<sup>33</sup> When commenting on this text, the wise al-Tirmidhī said: 'When the heart is corrupt, prayer, fasting and other activities of the limbs must not deceive you; but when the heart is rich and the limbs idle, the slightest impulse from the heart can enrich the limbs with all kinds of benefits.'<sup>34</sup>

Such is the role which returns to the internal action in the realisation of the objective good. It is not only its necessary condition, but also an effective cause through the mediation of the manifested action, which is only 'the complement and reflection' of the former. Furthermore, the aim of the commandments of moral law is not only to establish justice in this world, but also and above all to develop our person by raising us above earthly matters and animal life. From the point of view of general good, the internal act was only a distant means, an intermediate cause. From the new point of view, whether it is an end in itself, or the last stage in the causal chain, it touches the ultimate objective by which the aim of duty is completely achieved. It is not that, with this point of view, bodily action is no longer required; it only changes its role, or rather its role becomes twofold: instead of only bearing fruit externally, it also turns inwards in order to strengthen our natural dispositions and make them more deeply rooted. Has the Qur'an not emphasised that: 'The act of charity strengthens the soul,<sup>35</sup> purifies man and increases his value?'<sup>36</sup> According to al-Ghazālī, the same is true of all virtuous practices. Their essential aim is to transform the qualities of our soul. 'Thus', he continues, 'prostrating oneself when praying is not prescribed as an end in itself, but because usually it roots the virtue of humility more deeply in the heart, just as by touching the head of an orphan one feels more pity for him.' A little earlier, he explains that: 'This is because when one behaves meticulously according to what is needed by a certain state of the soul, in some way one nourishes that state; to go against a tendency is to weaken it, break it or sometimes destroy it. He who admires the beauty of a person, if he continues to look at her, talk with her and meet with her, he will experience strong feelings for her, which could become fatal for him, whereas if he had taken precautions from the beginning to sever his appetites, he would have cut off the sap of this seed of pleasure, due to the close relationship which exists between the heart and the limbs. The heart is the essential objective; the limbs are only the means to take it there.'<sup>37</sup>

Here is a brief analysis of the Islamic conception of the relationship between the internal element and the external element and their respective roles in performing a moral deed. Throughout this analysis, we have been able to witness a sort of circuit, which firstly ascends from the centre to the



periphery in order to be translated into objective good, and then descends from the periphery to the centre to be resolved in subjective good; but some may ask that since 'action' and 'reaction' compensate each other like this, in spite of two different points of view, why then systematically accord primacy to the internal act?

Our reply is that it is because the two roles are not at all similar. The internal factor is so important that its physical translation is absolutely indebted to its moral existence, whereas the action which makes the physical act upon the moral is only a complement and a reinforcement which it can forego if necessary. To a large extent, the internal action can be enough in itself. Another difference, no less important, is that our manifested activity, which is a medium between the world and ourselves, does not go beyond the role of a *means* of obtaining something else, whether internal or external, when the action of the heart, which can be an effective means for the good of the world, is at the same time and in all circumstances either an *end in itself*, or is its direct and immediate cause, since it constitutes the essential part of our own personal good. One can see the defectiveness of any other doctrine which holds that the moral action is an exclusive aim in itself, either because it confines man to himself, or because it solely makes him serve irrelevant objectives.

We have begun by distinguishing two phases in the complete moral deed: intention and action, and within the latter, internal action and external action. Up to now, we have stressed the supremacy which Islamic ethics attributes to internal moral activity and our task has been made relatively easier by the abundance of texts which state that fact, as well as by the very nature of the subject. Now it is a matter of knowing whether Muslim ethics establishes a hierarchical relationship between 'intention' and 'action in general'.

It can be logically deduced from the hierarchy established between the heart and the body that intention has a privileged value in relation to the manifested action. Can this privilege be accorded to it regarding the internal action? We only have one text on this subject. It is a well-known *ḥadīth*, although the authority to whom al-Ṭabarānī and al-Bayhaqī refer, in order to trace it back to the Prophet, is not very sound. That *ḥadīth* is worded thus: 'The intention of the believer is more worthy than his action; the action of the hypocrite is more worthy than his intention.'<sup>38</sup> After quoting this text, Abū Ṭalib al-Makkī says that it has been interpreted in ten different ways, all of which he judges to be acceptable. Al-Ghazālī takes up most of these explanations in his *Iḥyā'* and refutes all of them except one, which he considers to be the only one to agree with the true object of Islamic law. One of his arguments is that we must not understand this *ḥadīth* to mean that intention alone is worth more than action alone, for the logic of the comparison would allow us to believe that an unintentional action is a good deed, when in reality it is not. The true meaning of the text, he argues, is that the fulfilment of one's duty is

constituted by a combination of intention and action, and that of this combination the first part is the better.<sup>39</sup>

We agree with al-Ghazālī on the soundness of this interpretation, but even if we follow his reasoning we are no nearer to solving the problem with which we are occupied. It is limited to the commonly held consideration which is already the accepted point of view, namely, that the ultimate aim pursued by Islamic ethics is the health of the soul, anything else being only the means to obtaining this end. All right! we say, but is this prevalence, which is valid for bodily actions, just as valid for internal actions? Whether it is or not, is intention worth more than internal effort itself? Why this priority? He has told us nothing about this.

In spite of the paradox of the affirmative theory, we consider it to be tenable. Firstly, because that is what commentators have allowed us to understand to be the point of view of Islamic doctrine, not only from this text, whose prophetic origin is not sufficiently recognised, but also from the other saying, which is the most famous and best established.<sup>40</sup>

They say that any action, whether internal or external, only has value in being subordinated to *intention*, except, of course, intention itself, which has no need of another intention.<sup>41</sup> Now, how can such a proposition be justified? Is it not contradictory to establish within ethics something whose value goes beyond moral activity itself?

To put it in these terms distorts the problem and makes it absurd. We only mean that in such an activity there can be distinguished two very different phases. Before applying oneself to a task, one must firstly declare its principle, establish its plan, define its modalities, and determine its destination. In a word, before its execution, legislation must be passed. In ethics as in politics, the legislative is subordinated and goes ahead of the executive. The role of the good intention is precisely to adopt the solution as far as it is morally good, and to prescribe duty expressly for the sake of duty.

Any activity, even the most intimate and the most conforming to the rule is in itself neutral and equivocal; it can become sacred or profane, legitimate or guilty, good, bad or indifferent, according to the way in which we view it. Muslim moralists, even the jurists of the ritual law, have already insisted on this idea; and the undeniably authentic words of the Prophet mean nothing else. What is true of the ambiguous nature of external actions is exactly so of our internal efforts. When, forgetting the commandment of the law, one feels oneself spontaneously inclined to require oneself to be detached from the selfish interests of this world, to demand of ourselves a charitable, generous and selfless love for humanity, one must not flatter oneself too much with these noble feelings. The need that we feel to improve our character may be determined either by a kind of natural vocation, or by a taste for perfection, or by a simple desire to use our creative powers, or to attain for ourselves an infallible conformity in our external behaviour, in order to ensure that we do not falter in public, or for other more or less justified reasons. It is the inten-

tion that I apply to this task which gives meaning to my inner effort, which imprints upon it its specific characteristic and marks it with its distinctive stamp. It is the blood and the life; it is like the spirit of the spirit.

*D Can intention be enough by itself?*

We have dealt with three cases successively:

In the first, action is produced without intention. *Amorality*.

In the second, action and intention are present, but flawed to some extent, or there is a bad intention: *immorality*; or there is an action which does not conform: *bad behaviour*, reprehensible or excusable.

In the third, they are present and conform well: *complete morality*, with prevalence of intention.

The case which remains to be examined is the antithesis of the first. In this moral intention is alone, and not translated into action. We ask ourselves whether it can be sufficient in itself, which is to say whether it can fulfil the role of an integral moral deed.

Let us note first the two meanings of the word *intention* which our moralists have taken care to distinguish. Sometimes, this word designates a firm resolution, which ends only before a real, overwhelming obstacle, but most often it designates a plan which is being deliberated and considered, a desire or a whim.<sup>42</sup>

There is no need to dwell upon the evaluation of the second meaning. The man attached to his soft habits, who does not seek to break through the difficulties which oppose all serious moral effort; or the man who feels that every obstacle is an inconvenience; these obviously do not have the right to display their love of good works as a praiseworthy moral quality, or as a valid excuse for their weakness. We can enlighten ourselves on this point by the way in which the Qur'an judged certain latecomers who delayed their departure from Mecca. When they were called to leave their country, which was under enemy rule, to join their brothers who had already emigrated to Medina, they did not respond to the call and stayed in their homes, under the pretext that they were *powerless on the earth*. The Qur'an retorted:

*Is the earth not wide enough to seek refuge somewhere?*

It concludes that:

*Those people will have hell for their dwelling place.*

It excuses only those:

*who found no means to leave and did not know where to go*

4:97-9

Like the passing good intention, internal words, or the natural satisfaction

that one feels with some imaginary or physical pleasure do not constitute, for us, imputable actions, as long as the will does not adhere to them absolutely.<sup>43</sup>

As for the intention in the real sense of the word, which was prevented by events from being able to be translated into action, the question is not whether it has moral worth in itself, or whether it is sufficient for leading us to reward or blame. There is no doubt that we take full moral responsibility as soon as the decision is taken.<sup>44</sup> Even if we go back on our decision and we take the opposite choice, the first intention will already have produced its moral effects, unless they are counteracted by the opposite decision.

The real question is whether a decision which has been completely realised and one which has been prevented have exactly the same moral value. Let us leave aside the case where this prevention comes from some weakness on our part, from a lack of effort, or from a lack of tenacity. In these situations it is evident that the deed cannot be attributed to the intention to the same degree. Let us take the case where two persons who both aspire to morality have used their human causality, and have left no means in their power to realise the object of their intention. If the success of one and the failure of the other are due only to an external factor, which is independent of their will, it could certainly be said that they are perfectly identical.

On the other hand, one cannot deny what the exercise of our executive power may bring in terms of positive or negative values, to the world and ourselves. It has certainly been enabled by extraneous conditions – that is evident, but although it has been made possible by a gift of nature, it remains ours, since we willed it. We might have overlooked the benefits of this possibility. The results obtained through our executive effort, and which have enriched us even more, are our creation and must consequently be credited to our account. How can the two cases therefore be considered equal? Yet, according to the words of the Muslim moralists, they are. Their theory seems to be founded not on rational considerations, but on a number of texts of the Prophet.

Let us now firstly quote some of the best texts which they cite in order to support their position. The Apostle said that: 'If two Muslims take up arms against one another, both the murderer and the victim will go to hell.'<sup>45</sup> 'We accept that for the murderer, but why for the victim?' 'Because', the Prophet replied, 'he intended to kill his adversary.' In another *ḥadīth*, the Prophet compares brave warriors and those who were prevented by compelling reasons from going into battle: 'Although they are absent they accompany you on your march.'<sup>46</sup> Even more surprising is that the poor who envy<sup>47</sup> the benefactors will have the same reward near to God. By contrast, those who are blinded by the pomp and wasteful spending of the rich and would like to possess worldly riches in order to use them in a similar fashion will reap the same punishment as them.<sup>48</sup>

These texts, whose authenticity is not doubted by *ḥadīth* specialists, are not presented to us as a single group. On the contrary, each seems to belong to a different category. There are three of these:

- 1) an intention with an attempt at execution;
- 2) an intention whose attempt has been accidentally prevented;
- 3) a hypothetical intention.

The first category, provided by the example of the two men fighting each other, does not concern our topic at all, which is intention without action. It is not inconceivable, in this example, that the victim should be treated as severely as the victor, since he was not only motivated by the same spirit of hatred and aggression, but also engaged in fighting and putting his powers at the service of his bad intention, the only difference being in the outcome of their effort. It is not the same for the two other categories where intention is condemned to remain in the realm of ideas, although with qualities which make it ready to act. It can be assumed that in one case the action was prevented after the decision had been formed and some preparation had been made for its execution, or even after a previous, successful experience, but whose chain of cause and effect happened to break unexpectedly, whereas, in the other case, the obstacle was already in place, making any resolution impossible and reducing the intention to a simple, conditional wish: if I were rich, I would be charitable, or I would enjoy all the pleasures of life.

Thus, there are two extreme cases and one which is intermediate. Between the active intention and the powerless, hypothetical intention, is the one which is accidentally prevented. If reason is inclined to judge the two first cases differently, the third provides a doubtful case for rational judgement, as it seems to contain both of the opposing characteristics. Meanwhile, the texts do not seem to make a distinction between these various categories. Must they be understood in an absolutely identical sense?

This is not our opinion. We believe that they have rather a similarity of nature, not of degree. Whatever it is, intention is always valuable, but the nearer it comes to action, the more it is enriched with values and it only attains its full value in the accomplished action. We will readily be given this hierarchy from the rational point of view, but from the moment that it is a matter of divine sanction, it might be thought perhaps audacious to want to limit the goodness of God and to subordinate it to our own limits, which are often shown to be defective. Far be it for us to wish to judge divine matters by our own natural lights. Within the realm of revealed truths we acknowledge that an appropriate method is necessary, which is to refer to the texts that actually reveal these truths. However, a good choice must be made from among these texts.

Firstly, we have the proof of the Qur'anic principle, which must play a role in the interpretation of all the selected texts. Divine justice, as the Qur'an presents it, does not judge things too generally or with too little care. It weighs every degree of effort<sup>49</sup> with the minutest accuracy, even to the weight of an atom.<sup>50</sup> If internal effort absorbed all value, how many atoms would be lost! It is all very well to say that, having rewarded everyone according to

their deeds, divine grace is entitled to accept a particular deed with more favour, to give it a more generous reward than it is worth in itself, and as a consequence to promote intention to the rank of action. By all means, but nevertheless on condition that this promotion does not lead to the disorder of the entire scale. That will inevitably happen, since all the upper echelons must then be readjusted, making them higher than they ever were before. Thus, from two things there is one: either their right is not satisfied and the act of generosity will be in conflict with impartial justice, or they will be given a new value, and so the proportion is respected and the hierarchy re-established again.

Outside of this general principle, we have other precise texts which explicitly stress the difference of degree between the intention which has been put into practice and the intention which has failed:

- 1) The *ḥadīth qudsī* transmitted by the two most authoritative traditionalists, al-Bukhārī and Muslim, according to which the good intention that has not been followed through is written as a good deed, whereas it counts for ten if it is realised.<sup>51</sup>
- 2) No less instructive is the distinction established by the Qur'an between combatants and non-combatants, and among the latter, between the sick and the healthy.<sup>52</sup> It is true that they are counted among the faithful and all are promised heavenly joy, but not all to the same degree. The Qur'an does not state that those who actually fight are superior to others; but it does give degrees of superiority according to each case: sometimes it is *several degrees* (in relation to healthy men); sometimes *one degree only* (in relation to the sick). This is the crux of our argument. Where do these degrees of elevation come from, if not from the difference between the effort employed and the sacrifices made; between those who struggle through their intention alone and those who also engage their *goods and persons*? This is what the text itself tells us.<sup>53</sup> It says so elsewhere too in even more detail.<sup>54</sup>

Intention is good; well-intentioned action is better: it is the complete moral deed.

## 2 Inclinations to act

The first part of this chapter has been devoted to the study of intention inasmuch as it is a *relationship between the will and its immediate object*, which is the action itself, without yet considering any aim that might demand this activity. We have seen:

- that this intention of the mind, this sudden awareness of what we are doing and why we are doing it constitutes the prime (but not the total) element of morality; that its absence renders null and void even the action which is the most correct and materially conforming to duty;

- that any divergence of intention – which is to say any contempt for the true nature of the action – either condemns our behaviour, or may just be enough to still merit forgiveness;
- that out of the two constitutive elements of the moral deed, intention has primacy over action;
- that, in itself, intention is a valuable moral good, which strictly may be sufficient for itself, but not for the complete moral deed in any case of equal value.

We must now examine another element which, up to now, has been overlooked: the *conclusive aspect of the will*, which we had set aside for the sake of our method, and which must now be highlighted. Before I act, I know what I must do and why I am about to do so. When I am in the process of acting, I know that it is my duty and I do it knowingly and intentionally. But why do I perform my duty in this process? These two questions, *what* and *why*, are never separated in an act of the will that is fully aware of itself, even if their answers merge into one and the same thing. Not only are they asked of us with equal urgency, but the answer that we give to the second determines the means of execution of the first. The end justifies the means (I do not mean that it justifies them if they are unjust in themselves).

The object of this study is to know what importance Qur'anic ethics attaches to this answer. Does the answer seem indifferent to the end that the obedient will proposes? And, from a negative viewpoint, what are the ends that it considers absolutely unjustified; that it tolerates or allows; and what is the supreme principle which must inspire our actions? Is this ideal principle to be demanded equally of all actions, or does it vary according to whether it concerns a duty, or even simply an individual way of living in the mundane circumstances of daily life?

It is by responding clearly and precisely to such questions, and not stopping short at generalities, that one can present the exact ethical doctrine of the Qur'an on this subject. It is not enough to note that the Arabic term *islām* means both *inqiyād*, which is submission to the divine will, and *ikhhlās*, which is the exclusion of any other ruler over the human will. Neither is it enough to say how much the Qur'an insists on the necessity for everyone to be encouraged to act with pure intentions. We must also show what this purity is, and to what extent mixed motives can destroy it.

#### *A The role and nature of the mediate intention*

Before going into detail, let us say first of all how much Islam values an action that is measured in accordance with its furthest aims. Let us look for the moment at one saying of the Prophet which, through its density and extensiveness, summarises and generalises the numerous texts both of the Qur'an and other sources, which we will compare in the course of this study. He said: 'Actions are only judged according their intentions.'<sup>55</sup> This saying, which has

already served to establish the intention as a condition of validity, in other words of ethical existence, can also help us to establish the deepest intention as a criterion of value, as the final condition for merit or blame. The dual purpose for which we use this text, as do all other commentators, is justified firstly by the etymology of the Arabic term *niyya*: 'intention'. This word is derived from two roots whose meanings are condensed:

- 1) *nā'* *bi'l-ḥaml*, 'ay *nahaḍa bihi*: to get up while carrying one's burden and
- 2) *nā'* *ī*, 'ay *dhahaba ba'īdan*: to go far. From its dual origin this word designates the dual attitude towards the voluntary impetus bringing both to bear upon on the action which we have to undertake and also on the distant objective for which it is destined.

It is not necessary to examine this implicit meaning. Let us assume that the saying focuses especially on the first part, particularly in its negative aspect, but when we read the second part of the text we see the second meaning emerging and becoming more and more concrete. The *ḥadīth* continues: 'It will be attributed to man only in accordance to what he had in mind (when he acted).'<sup>56</sup> This concludes the third and final phase: he who leaves his homeland for God and His Messenger, will have his exile recorded as being for God and His Messenger; whereas he who emigrates to earn his living or to get married, will have his action judged [assessed] according to the aim for which he departed.<sup>57</sup>

It is clear that the role of the principle of moral judgement is only assigned to a genuine, normal intention issuing from the depths of our soul, not from a superficial idea obtained through the artifice of words internally spoken, or outwardly expressed. Although this *pseudo-intention* might well temporarily hide the real aim of our motives, it will never succeed in transforming them. If, on the battlefield, I act out of hatred, or a spirit of vengeance, it serves no purpose to tell myself: 'I am here to defend a sacred truth, not my own interests.' Shutting the eyes and the ears in order not to see or hear anything will not remove the existence of the world. It is not in thinking of virtue – still less in talking about it – that one possesses it. For anyone of good sense, this behaviour is only a veil that is too light to conceal reality.

Of course we acknowledge the difficulty of discerning the secret motives for our actions in some cases. Nevertheless, we do not support Kant's view that it is absolutely impossible to fathom them.<sup>58</sup> As Delbos has noted, Kant's idea seems to have been linked to his doctrine of the existence of a human transcendental will that makes its decisions outside of time and is therefore not prepared for any practical knowledge. Remaining within the realm of the knowable, we acknowledge that our deep motives present many difficulties. Even if they were to be uncovered, these true motives are not so amenable that they can be dismissed and replaced at will by a simple redirection of thought. It might even be asked whether intention can be directed at all. Al-



Ghazālī maintains that man has no immediate influence over its direction. He says that our intention is not in itself voluntary; it is the natural consequence of many elements: our knowledge, tendencies and personal codes already adopted as firm rules of conduct, so that, in order to correct it, we must start by reversing the organisation of these elements: we have to change our conception of life, exercise a certain constraint upon our senses, detach our soul from the love of this world and attach it to a higher ideal. Only when he has succeeded in this enterprise can the newly transformed person really talk of having a completely different intention from that which he had before. Any attempt to do otherwise, any attempt to fulfil an intention in haste would only be an illusion and a deception.<sup>59</sup>

We can take this further, because even if we assume that this moral cure takes place and succeeds, physical nature is still not destroyed. The abundance of newly acquired ideas, aspirations and habits can really limit and mitigate the power of our innate inclinations. They are no less present and their voices are never completely stifled, so that when the order of reason coincides with that of self-interest, one no longer knows with certainty whose orders one is obeying.

We do note that these are not common people – those who give free reign to their passions, or even the newcomers, who give so little of their attention and who are prone to doubt. It is clear that, since these are the only personal codes that they have had up to that point, without the concurrence of any codes to the contrary, there is no reason for them to be mistaken about the real principle that inspires their actions; and it is not by playing with words or fantasies that they are entitled to interpret their own intentions otherwise, when they seem to them to be obscure or nebulous. On the contrary, it is the virtuous people who may, with just reason, have difficulty in fathoming their real motives and appeasing their conscience in regard to this. Paradoxical as it may seem, it may be said that the more moral progress they make, the more they fear that these many new acquisitions will not hide them from themselves by making them believe that they always act out of a love of virtue. Do they not discover, sometimes too late, that they have been deceived; that, on a particular occasion, they had in fact acted in secret compliance to their own nature? Yet do those deep secrets, which often tend to elude the most careful examination of the conscience, escape the notice of the One who:

*reads the depths of the hearts*

5:7

*Whether you keep your words secret or state them openly, He knows what is in every heart . . . He is the Most Subtle, the All Aware.*

67:13–14

This is why, for a religious ethics far more so than for any other ethics, everyone must exercise discernment and perspicacity when analysing their conscience, as well as courageous effort in order to free their soul from any

influence that the law does not require or allow. Certainly no just law obliges us to go beyond our nature in order to see what we cannot see, or to fight what we cannot fight, but when we are prevented by the force of nature from reaching the end of the road upon which we set out, *this is the point at which the attitude of a conscience which submits only to the law of reason differs from one which occupies itself with the law of the divine.*

Rationally, according to our point of view and also according to our temperament, our powerlessness to *do better* must be translated in our conscience into two contradictory feelings, which both end in the same disastrous result for morality. With regard to the law, we should consider ourselves to be free, since we are not obliged to do the impossible, but the awareness of our weakness, even if it is through no fault of our own, must fill us with self-contempt: we cannot but condemn our incurable nature, which is unworthy of our moral aspirations.

Thus, the first *cold and logical* consideration dismisses our zeal and encourages us to stay peacefully at this limit, as one might at an impassable barrier; and once this limit is accepted and prolonged a little, it will degenerate more quickly into a precipitous reversal. If, on the other hand, the realisation of the discrepancy between our achievements and our ideals inflames our heart, and makes us strive passionately against ourselves, still our nature will not be improved, as we believe that to be impossible, and we will only feel sorrow and hatred for our miserable condition. This futile hatred, which is called despair, must also lead to the same limit, and then to the same apathy which we had before. Such is the man who limits himself to his own powers and lights.

Where a soul is *nourished by faith*, full of trust in the living and transcendent reality which is absolutely good and infinitely powerful, this object of love and respect which we call God, it is *never reduced to devastating despair or to such a complacent indulgence towards itself.* On one hand the thought of the gentleness of divine law, which commands us not to go beyond our nature, is counter-balanced in our consciousness by the idea of the providential omniscience of the author of that law. Only this omniscience, which reads the depths of our hearts and knows exactly the limits of our power, can truly judge whether or not we might have done more to uncover and remedy the unseen faults of our inner conduct. On the other hand, the thought of this majestic omnipresence, which fills our mind with a moral anxiety and a more demanding attitude towards ourselves, is itself tempered by that of a mercy which always extends its hand, to welcome those who repent of their forgetfulness and try to repair their mistake, and also to assist them and provide them with ever-increasing strength.

The Qur'an describes for us the state of the believer's soul on this day: it neither despairs of God,<sup>60</sup> nor does it have a false sense of security against Him.<sup>61</sup> It is always half-way between hope and fear, or rather it nurtures both feelings at the same time.<sup>62</sup> Thus, gentleness and enthusiasm, courage and hope are engaged in a living dialogue, keeping the flame alive without it

consuming us, refreshing our heart without making it cold, and all things are balanced and in proportion: here are a number of conditions that are necessary for constructing a durable and fruitful deed. Can morality find a better number anywhere else?

Now that the general principle of intention has been established, and it has been clarified that it concerns not a superficial or artificial intention, but our true motives, which we must scrutinise within ourselves in order to uncover them and purify their deep roots, we can proceed to the principal aim of this section, which is to study the different categories of motives and examine their respective rules in Islamic ethics.

Throughout this study of the intention which aims for a result, we shall come across many others, from the most praiseworthy to the most despicable, progressively passing through an intermediate zone, which may be called neutral, although some Muslim moralists and mystics disagree. For how can one include rules that are different from each other within the same censuring judgement, one which goes against the law and one which, in spite of everything, can make the law more effective? Have the Qur'an and the Tradition not taught us through their way of judging matters that between the two extremes of *good* and *evil* there is a point for the median, and that between the *prescribed* and *proscribed* there is the *tolerated*?

*Kutiba 'alaykum - hurrima 'alaykum - uhillal lakum*: these are the three most common expressions which the Qur'an uses to designate the different categories of its legislation. Why not apply the same tripartite division to the mind which drives different kinds of behaviour?

In order to judge whether an intention is good, bad, or simply tolerated, it is not enough always to consider it as an abstract concept; we must also take two other factors into consideration, which can modify our judgement significantly:

- 1) the type of action that we think is needed to realise a particular aim; for whereas corrupted things might be used as means to succeed in worldly aims, it is not the same with a sacred duty, which must be considered for itself or for more elevated aims;
- 2) the role which a particular motive is called to play within the force that motivates us, depending on whether it is alone, or associated with another one, and in the latter case, whether it constitutes a principal or secondary element, because, when motives are mixed, we must not only consider the nature of each additional element, but also the relative importance that we attach to each of them within the whole. Since man is himself a mixture, how can we not take into account the action which reflects the best of his nature? It is appropriate only to judge him according to the preference which he gives to one particular aim over any other; a sense of proportion requires it, as well as the Qur'anic principle which states that our deeds will be weighed even to the weight of an atom.

The complex and entangled outline of this study has now been made: we shall explain the theory of the three categories of intention in order, where each is supposed to be the sole ruler of the conscience; then we shall examine the various ways in which several motives can combine to act together in determining the choice made by our will.

### *B The good intention*

In rational ethics it is known that the most intransigent doctrine, that of Kant, attributes the determining principle of good will to the abstract idea of duty, and this is conceived as a formal law of reason, which may be seen as a simple metaphysical transposition of the Qur'anic doctrine. Certainly, the Qur'an presents things in a different light: it fills the empty form of duty with an appropriate content, and in order for this high command to be executed it designates another, much higher authority. The believer does not obey duty as an *idea*, as a *rational entity*, but as something that corresponds to a fundamental reality emanating from the Supreme Being who endowed us with this reason, wherein He deposited primal truths, moral truth occupying the first rank. Apart from these theoretical differences, we shall examine the nature of these two doctrines according to what they essentially contain as practical requirements.

The sacred Book of Islam teaches us that the sole mission for which, not only mankind, but all rational beings, visible and invisible, were created, is to turn towards their Creator in an act of love and obedience.<sup>63</sup> Many passages complete this declaration with more concise formulations, leading to the conclusion that the soul's submission to God's commands must be pure and unalloyed.<sup>64</sup>

In order to understand better what the Qur'an means by this purity, two other groups of texts must be added, which provide us with a very characteristic, if somewhat negative definition of this pure discipline. In the first group it insists that the rule of our desires must be excluded from our codes of conduct, as the worst of idols.<sup>65</sup> In the other group it wishes to free our soul from the influence of the external world. It forbids us from allowing our ethics to be determined by the opinions that others might have of us, or by the attitudes that they might have towards our behaviour. We must be indifferent to their esteem or blame, their prestige or power,<sup>66</sup> likewise their rewards and their acknowledgements.<sup>67</sup> We can already read an extremely concise precept from among the essential commands addressed to the Prophet at the very beginning of Revelation:

*Do not give in order to have more.*

74:6<sup>68</sup>

Where does the determining principle of the will lie if it is cut off from any motive? The Qur'an mentions it in its definition of a pious man. The pious man who will be saved is he:

*who gives away his wealth to make himself pure, and not to return a favour to anyone, but to seek the Face of his Lord Most High, and he will be satisfied* 92:17–20

The Qur'an emphasises the point by going as far as saying that it is not the poor, but:

*Allāh himself who receives the alms*

9:104

The expression of the Prophet is more picturesque: the one who gives to the poor 'places his alms in the palm of God's hand'.<sup>69</sup>

From these texts emerges an almost complete definition of a good intention according to the Qur'an. It is a movement by which the obedient will turns away from any object of desire, or constraint, whether it be internal or external, in order to turn to the direction from which it receives the command. It is a detachment from this world and from ourselves, and an attachment to the purest and most perfect ideal: God Himself.

Not only do precise texts present this ideal, often in exhaustive terms, as the sole object that man must have in mind when acting,<sup>70</sup> but throughout the Qur'an we are directed towards this objective. It is a great task to extract souls from this worldly realm and draw their attention towards Heaven. It might be said that it is an obsession of the divine thought which dominates the Qur'anic discourse. For proof of this, one only has to open the Book at random. There is not one page or even a single line where one does not find God mentioned, either by His name or by a pronoun, or one of His attributes.<sup>71</sup> There is no possibility, therefore, for the soul of a reader of the Qur'an to forget completely, or even be oblivious for too long, as the chimes of the bell of the spiritual world always strike in order to bring him back to the centre of power and light. There is perhaps no more effective training for keeping our attention alert, and making our intention pure and impartial.

Yet, remarkably, the Book never confuses the intention and action of this impartiality. Despite the inferiority with which it marks worldly things, the Qur'an never prescribes the austere renouncement of this worldly life as a strict duty. Certainly it condemns excess in all things, but it does not forbid either individual well-being or communal prosperity. Concerning individual well-being, it states:

*O Children of Adam, dress well whenever you are at worship. Eat and drink but not to excess, for Allāh does not love those who are extravagant. Tell them: Who has forbidden the ornament and the nourishment that Allāh has provided for His servants?*

7:31–2

As for the development of agriculture, trade, industry, discoveries, and civilisation in general, far from forbidding it, it continually urges us towards it. There is no need to add to the quotations on this subject; it is enough to

provide one which contains several meanings, in terms of which everything that exists on the earth and in it, in the seas and the air, has been given to men by God for their use.<sup>72</sup>

Besides acquiring, sharing and using these resources, subject to certain general rules that ensure equitable good for all, it has declared this world to be a journey, a temporary stop,<sup>73</sup> and its occupations and pleasures not an end but a means to reach something else.<sup>74</sup>

Where is this impartial attitude if not in the thought and the intention? If moral evil does not reside in the actual act of exercising a certain degree of activity in the production and possession of goods, it can only be in the spirit which dictates this activity. We shall analyse the point of view of Islamic ethics on this subject, distinguishing six cases whose values sometimes differ dramatically.

- 1) The first case, which describes the most notorious immorality, is where, through an instinctive, unenlightened love of riches, one allows oneself to take possession of goods without discernment or scruple. This is obviously legally and morally blameworthy and is properly called *'ibādat al-hawā'*: the worship of 'blind desire'.<sup>75</sup>
- 2) Our moral guilt is no less if the care that one takes to avoid dishonest actions is only determined by the influence or intimidation of others, so that we would have violated the limits and transgressed the law if there had not been an external form of prevention. Then we are still slaves to passion, since we regret being compelled to carry out the letter of the law.<sup>76</sup>
- 3) Let us now put aside this evil of the mind. Now here is a man whose ordinary job allows him to live honourably and honestly. Supposing this man is so attached to his style of life that he feels a deep repugnance towards any impure gain, not because he considers it to be morally reprehensible, because such a question has never occurred to him, but because it is contrary to his temperament or his habit. This benign, harmless state and automatic absence of evil constitutes the innocence of infantile instinct, not the conquest of a rational will.<sup>77</sup>

Moral life begins when our pursuit of legitimate well-being comes from a conscious choice, which starts with a discernment between good and evil, and, as a rule, abstaining from what is forbidden and restricting oneself to using solely what is permitted; but that is only the beginning, for whereas it is certainly praiseworthy to abstain willingly from evil when it is presented to us, it is not the same to allow oneself to make use of something which moral law does not condemn. Permission is not a recommendation, still less an obligation. In the broad sense of the word, permission is the non-contradiction of the law, but in the stricter sense with which we are concerned here, it is the moral possibility to act or not to act. The possible does not contain within

itself its entire *raison d'être*. As the necessary condition of all existence, it is not the complete reason for it. We must therefore look elsewhere for the principle which determines us to use our right rather than forego it. In this principle lies the value of our choice. What can this principle be? The following three cases answer this question.

- 4) When we ask ourselves why we seek our legitimate well-being, we sometimes limit ourselves to saying that it is because it is not forbidden, without considering other complementary motives. We have seen how, in this case, the true motive for our action cannot be the law itself, since it favours both opposites equally and therefore cannot be used to explain either of them. Outside of both the law and self-interest in the general sense, there is no other determining principle of the will. Therefore, the true motive for our action is necessarily the inclination that we have to satisfy our natural needs. Certainly it is not a blind desire, enslaved to passion, but an enlightened desire which is submitted to reason. However little the significance, it is always self-interest, not the law, which is the basis of our particular choice. The role of the law is to place the challenge before two possibilities, but it is human nature that gives the order to choose only one. It might be said that it looks out for the opportune moment where the law seems indifferent, in order to make its own preference. The expectation and submission of a general choice are invaluable, but the particular choice itself is morally insignificant; it is neither blameworthy nor laudable. We call this a *down-to-earth* approach and it constitutes *the lowest degree of morality* in this domain.
- 5) So far we have not met any case which merits any real praise. A good intention is not limited to warning us against what is forbidden and restraining our desires to what is permitted. It is more demanding. Besides any positive moral considerations, it must properly justify its choice of desired object. In this way, earning one's living, eating enough, dressing well, making oneself comfortable, making innocent conversation, like so many other everyday actions, are completely void of any moral meaning. Their only purpose is to for us to enjoy this life, even if we do not fall into any excessive vice. If this is the way we spend our time – and regrettably, it is the case with most good people – our scales will not weigh anything and we will be morally worthless, while our second life will be impoverished to the same degree.

These very same actions can become the source of moral riches if valid reasons fill the emptiness of their aims, for example, when I look after my body in order to be able to perform the duties of my obligations with greater application; when, through my ordinary conversations, I mean to consolidate an innocent friendship with my fellow human beings; or through my activity in the economic realm, I have something other in mind than the sole pleasure

of possessing something, either because I wish to prevent my family and myself from being dependent on society, or because I enjoy spreading happiness among those who are less fortunate, or to help the masses to earn an honest living, or to contribute to the progress of my country; or more generally still to develop this divine masterpiece, this terrestrial globe with whose administration God has entrusted us, in order to allow its inhabitants to live, prosper and glorify their Creator.

In this way, without putting an obligatory limit on our honest gains, Islamic wisdom has impressed upon our mind this view of the things of this world, which are not worthy of being sought for themselves, or for the enjoyment they might bring us, but for rational ends through which permitted things become morally recommended or urgently required. This is why Muslim holy men are not known for one kind of life only, but are to be found in the fields, the shops and the factories, as well as in ascetic retreats or the cells of the devout.

- 6) There are those who only occupy themselves with material life intermittently and on rare occasions, just to earn enough for their immediate needs and keeping the remainder of their time for the interval between two bouts of work – these are the examples where one finds the best evidence of selflessness. There are some who, having no burden of a family, devote themselves entirely to cultivating their heart and mind, and although they also make themselves available to the state for the defence of the community, and find themselves dependent upon the community, they only receive what is strictly necessarily for their subsistence, giving away anything extra. This was the case of the group known as the Ahl al-Suffa, whom the Qur'an mentions.<sup>78</sup> As another typical case, we can mention, among others, Abū Hurayra. There are even those who were presented with the opportunity of taking their share of the public funds which they were entitled to receive, but cared so little for these kinds of things that they forgot about it, as did ʿĀʾisha, the Mother of the Believers. Finally, there are some who, perfectly aware of the circumstances, did not hesitate to give away even their own strict allowance.<sup>79</sup> A beautiful example of this altruism is again provided for us by ʿĀʾisha.<sup>80</sup>

One sees what perhaps was the objective of these noble souls. They were not tempted by the attraction even of the most legitimate benefits of material life, nor were they motivated either to seek them or even use them when they were presented with them. They were at such an elevated position on the moral scale that neither the permission, nor even the invitation to a lesser, more preferable, moral good, which might result in such kind of material preoccupation, could persuade them to abase themselves. Only when such an invitation became an obligation – in other words, when it was a matter of preserving their life in the strict sense of the word – did they deign to



descend, although only for long enough to fulfil this precise, urgent duty, before immediately ascending to their favoured place.

However, contrary examples are also common among the Companions of the Prophet, and, in the case of Abū Hurayra, one only has to compare Ibn ʿAwf, a man well known for his immense fortune. Indeed, asceticism can be considered as the exception in the Muslim world, and not the general rule. When it is considered in the abstract, it can be seen that universalising it would be harmful for the smooth functioning of the global machine, not only from the material point of view, but also in the moral order. Some people must gain excessive riches so that others may have what they need. Indeed, everyone must have a minimum of excess assets, not only to be able consistently to produce more, but also to be assured of the essentials that they need, since there is no line of demarcation that clearly separates them in actual reality. It could even be said that those who systematically keep themselves at the margins of social activity are, from a certain point view, choosing the least difficult moral task by avoiding many conflicts, confusions and temptations. Undoubtedly they have to strive against themselves in order to undertake this withdrawal, but once the step is taken the rest follows by itself. It is only in the complications and confusion of interests that we experience the force of our superior faculties. How can we avoid being burnt while remaining in the middle of the fire? How can we reach Heaven from the Earth? Enlightenment of the spirit, strength of will and the purity of the heart are known to resolve such problems, but these latter considerations do not, in the abstract, go against the hierarchy of values which we have mentioned and which we summarise in the table:

<i>Attitude</i>	<i>ethical value</i>	<i>spatial scheme</i>	<i>arithmetic scheme</i>
non-conforming	illegal	second basement	-2
conforming through constraint	immoral	first basement	-1
conforming through natural disposition	amoral	roadway	0
willingly conforming:	more or less moral:		
to permission	acceptable	ground floor	0'
to recommendation	good	first floor	+1
to obligation	better	upper floor	+2

It is at the last two levels that one finds moral intention in the strictest sense of the word; in other words, the will that is worthy of praise and reward. It does not allow itself simply to perform a permissible action without having found the moral good in it that is worthy of being sought; it always seeks and aims to execute a command, whether it be the order for an essential duty or

for the perfection of something, whereas goodness in its widest moral sense consists only in the care we take not to transgress the law and to conform to its general provisions, either by wishing to execute what is prescribed, or by allowing ourselves what is permitted.

However, even the inner conformity that is at the highest degree on the scale with regard to the immediate object comprises several more modalities in terms of its conclusion. Our moralists have taken care to distinguish several possible motives and some of them have attempted to classify them.

When we are in the process of performing our duty and ask ourselves why we should do it, we are sometimes content to say that it is for its own sake, 'because it is my duty', but even if the answer is not merely a verbal formula, even if it is exact and sincere, it is still vague enough to admit of a multitude of alternative or simultaneous reasons. Let us explore the depths of our conscience, and ask ourselves earnestly why such a duty should be performed. Perhaps we will discover the particular motive that makes us obey that duty. Let us freely grant that we are not moved by constraint, or by natural inclination, or acquired habit, but by the holy law which asks us to act in a certain way. It only remains to be known in what precise manner we are affected by that law. Is it out of respect for God or love for Him? Is it out of fear of His punishment and hope of His bounty? Is it through our concern to perform the good which is the aim of the law, or simply out of obedience to a formal order, without any regard even for why this order was given?

Al-Makkī enumerated the different states of the soul that can affect the faithful and persuade them to perform their duty, and although he classifies them all under the heading 'for the sake of God', he acknowledges a certain hierarchy among them, but does not say how he means to arrange their ranks.<sup>81</sup> Of course he may assume that this gradation is already known, at least in its outlines.

Besides the Qur'anic formulations mentioned at the beginning of this section, we find the fundamental principle of duty is stated in the lovely expression of the Holy Book:

*Allāh is Himself worthy of being obeyed.*

74:56

Another more explanatory definition is found in the *ḥadīth* where the Prophet exalts the sound virtue of Salīm, Abū Ḥudhayfa's ally, in these terms: 'Even though he had nothing to fear from God, he abstained from disobeying Him.'<sup>82</sup> These few words of praise are full of meaning. They establish the foundations of the hierarchy, which would be developed later by Muslim moralists.

In his *Questions and Answers*, al-Ḥakīm al-Tirmidhī particularly emphasises the sense of respect for divine greatness. He exalts the efficacious role of that feeling, not only in guarding against evil suggestions, both internal and external, but also against the carelessness and forgetfulness of the soul. In

order to obtain this objective, he declares, 'men need not have fear of punishment, but a sense of veneration for the majesty of God'.<sup>83</sup>

Also, when one of his disciples complained to him of being unable to concentrate his mind during prayer, he answered him with a parable: 'Imagine a palace', he said, 'reverberating with song and all sorts of pleasures; while everyone is playing to their heart's content, someone enters announcing the arrival of the Prince. Can you not see how all the voices would become quiet and everyone would leave their entertainment out of respect for the Prince? And so it is with the heart: as soon as it is plunged in contemplation of the greatness of the Lord, it ceases its worrying and drops its vain desires.'<sup>84</sup> In another treatise, after defining the way in which a believer must lend his money, he adds: 'You must take care not to allow your soul to yearn for a reward; for it seems rather repugnant to say: "Lord, what will you give me for that?"'<sup>85</sup>

Al-Ghazālī is even clearer and more direct. He writes: 'The rarest, most difficult and highest of all good intentions is that which sees the glory of God as worthy of the humblest obedience.'<sup>86</sup> Speaking about the feeling of love, al-Ghazālī seems to place it at the same level as that of respect, since he makes it equally the privilege of the wise and the devout. The latter have no other ambition than to come closer to God: to see, hear and know Him better and thereby know the truth of all things. For them, 'the only interest is in the beloved object itself'.<sup>87</sup> We shall see later his opinion regarding the self-interested feelings of the believers: the fear of punishment or desire for reward.

However, it is al-Shāṭibī (d. 790 AH) who, to our knowledge, undertook the task of crowning this hierarchy with a detailed analysis of the last comparison, enquiring whether, by performing our duty, we have the right to look forward to the effects which are supposed to take place and whose realisation we know the law intends, or whether, on the contrary, we must limit ourselves to the action itself, without concerning ourselves with whatever its results may be. Or, to use the same explanation as the author: if we ask a shopkeeper or craftsman why he occupies himself with his business, is he to say: 'in order to earn a living for myself and my family', or should he simply say: 'because God called me to this. I therefore do what is within my calling and leave the rest to the One on Whom depend all things'?

In the beautiful pages of his *Muwāfaqāt*,<sup>88</sup> the author weighs the thesis and antithesis, successively bringing forward the reasons which argue in favour of each of these positions. He concludes that the definitive solution depends upon several factors which must vary according to different cases. The importance of the problem and the incisiveness of the analysis allow us dwell a little upon this dialectical thought, to present it to the reader in a summary which is as clear and complete as possible, at the risk of modifying it and leaving the completion of its formulation until afterwards.

Considering his dual analysis quantitatively, it can immediately be said that

the doctrine for which the most moral reasons compete is the one which demands that the intention be absolutely limited to the action, confusing the *what* and the *why* of the will as one and the same thing.

Al-Shāṭibī explains that this way of seeing duty is in perfect harmony with our human condition as subjects to the law, and not as claimants having rights over the Legislator. This constitutes the purest and most selfless intention. He who, while acting, casts his gaze at the natural or conventional results of his action, however moral they might be, has not fully devoted himself to God for His own sake, but as a kind of means to the expected result. The most striking example in this regard is provided by the story of the disappointed, devout believer. After he had heard that, 'Whoever keeps his intentions pure for the sake of God, will see the source of wisdom revealed in his own words in his heart at the end of forty days',<sup>89</sup> he did his utmost to follow this advice assiduously. When forty days had passed without anything extraordinary being produced, he searched everywhere for an explanation. Finally he found it in the fact that, in reality, his aim had been to acquire wisdom, not to be devoted to God Himself.

Through this rupture between the action and its consequences the man showed that he had greater faith in God than in himself, for, by dissociating the cause from the effect, he no longer regarded the latter as something of consequence, as its cause had been given, but as something completely dependent on the Creator's good will.

There are manifold benefits in keeping one's intentions pure for the sake of God: firstly they appear within ourselves, then in the way in which we perform our duty; finally, they also have repercussions on the attitude that we take in the future.

In order to appreciate fully the state of the soul of the one who performs his duty simply because it is his duty, we only need to consider how the expectation of a result torments the mind, and how many anxieties it causes. Before it happens, we ask ourselves: will my effort succeed or fail? When will it succeed? Afterwards, according to whether there is a satisfying result: if I had done better, might I not have obtained more? Or, if we consider our actions to have been faultless: how unjust is fate! This tearing, this anguish, this regret, this rebellion against destiny is due to an indiscreet glance that was thrown at tomorrow's secret. Let us then draw a thick curtain between the present and the future, erect a barrier between the action and its effects, and rid ourselves of this melancholy chain of events. Then, with one sole concern, which, according to the Prophet, should be to perform our present duty, let us leave ourselves entirely to that task and confide the rest to God. He can undertake it far better than us.<sup>90</sup> Thus: simplicity of the objective, concentration of effort, inner peace – such are the benefits that complete impartiality can bring to the soul.

As for the action, it will also gain in constancy, righteousness and perfection, for not infrequently does our eagerness to reap the fruit of our efforts

lead us to neglect an indispensable detail, or oblige us to modify the procedures in order to adapt them to the proposed objective. Do the fraud of traders and the tricks in commercial matters not have their origin in this desire for a result? Are the premature conclusions of a scholar, the lapsing of a hero, or the slackening of a practising zealot not the best illustrations of this? Whereas, if we limit ourselves to considering the rule of duty and to following the model that it gives us, the particular attention that we bring to the action in order to perfect it, the perseverance with which we apply ourselves will make this action, and not the fruit that it might yield, seem to us to be a work of art in itself.

Finally, this way of seeing matters will provide us with two virtues that are necessary for facing all the eventualities which might result from our actions. Will our efforts be fruitless? We are already prepared for it and will not be too surprised. Shall we bear the most unfortunate consequences with the fortitude that comes from preparing for the worst, or at least to which we had not attached too much hope? Do they, on the contrary, have pleasant consequences? That will be a pleasant surprise for us, for which we shall be eternally grateful to the One who has bestowed upon us the effects of His goodness. These arguments are sufficient to support the theory that purity of intention consists in confining ourselves entirely to the compulsory action, and being detached from any consequence.

However, the opposite doctrine has no less its own reasons. It must immediately be said that it does not intend to substitute another more valuable principle for the one we have examined. It only contests the right of this conception to contain all value within itself and to charge any other consideration with immorality. It therefore proposes to demonstrate that the notion of an *obligatory* or *forbidden action* is not enough to provide the force that is necessary to act or abstain, or the moral necessity to add another two points of view:

- 1) that natural consequences determine the content and the meaning of the action;
- 2) that the effect intended by the will justifies its moral obligation to act.

Of this second point of view it may be asked how one can prevent the warrior who defends his country, or the reformer who wishes to rectify his people, from having any view about the object of their activities and from taking any interest in the success of their efforts? Does the desire to limit the view of these virtuous people to an action that is exclusively of the immediate, and to want to impose these rigid blinkers upon them, which prevent them from seeing any further, not deprive them of the very source of their inspiration? Does it not oblige them to be indifferent to the salvation and progress of their people? What is this man of action whose entire satisfaction would be simply to see the starting point of his strategy? The Prophet's

example is enlightening in this regard. It is known how much he was pre-occupied with the success of his mission, how he prayed to God to inspire faith in his people and guide them in the right path. Certainly, this preoccupation in a man of action must not degenerate into an unhealthy obsession, but neither must it be allowed to become a coldness and an indifference. The role of the Qur'an was precisely to moderate the Prophet's intensity and to give his anxious heart the consolation and appeasement that would bring him back to the median.<sup>91</sup>

For that which is relevant to the natural consequence of an action, let us examine the case of someone who intends an evil deed and how great is the difference in his conscience between the seriousness of the evil in the direct object of his activity, and the moral danger of this same evil when he comes to consider the extent of its influence, either through its distant repercussions or through the bad example that he gives to others. The errors which may at first appear to us to be of minor importance then horrify us and make us weigh more fully the responsibility that follows, so that one could say that here morality gains in depth as the perspective of the action increasingly extends. It is in virtue of this principle that the act of slipping a small coin of counterfeit money into a transaction is more serious than the theft of one hundred coins of the same value, because of the continued effects of fraud that this action causes in the monetary circulation. In virtue of this principle, al-Ghazālī was able to declare that a man who sins through a single indiscreet look, opening his eyes just once where he should have closed them, commits a serious act of ingratitude towards his Creator, by making ill use of the divine creation, not only concerning the creation of sight, but also the Earth, the Heavens and the whole universe, since the eye works through the head, the head through the body, the body through food, food through air, water, the earth, the sun, the moon . . . since the whole universe is only an ensemble whose parts exist in mutual interdependence.<sup>92</sup>

Out of this discord between the for and the against al-Shāṭibī drew the following conclusion: We must not reject in total, nor accept universally, any kind of anticipation of the effects of an action, but must establish a distinction between an effect whose consideration is of the kind which is likely to encourage the action and another which tends to turn us away from it, or to make us neglect it: the first case merits attention. While recognising entirely that such a distinction is necessary, our formula shall be a little different.

Firstly, there are cases where this way of judging actions by the objective serves not only to raise the level of our moral expectations, or to make some errors appear greater in our eyes than they did on a better day, but also to transform the very nature of our judgement of certain actions. What could be more unlawful than to leave a crime unpunished, an error to usurp the place of truth, and injustice to predominate? However, if the blame that we attach to a fault leads to others that are more serious; if our hatred of falsehood leads to the denigration of truth; if an insurrection against a tyrant has no power to

re-establish just order and only serves to have innocents killed and to make the despot more powerful than he was before, is it not better to apply the famous principle: out of two evils, avoid the worst and accept the lesser? Therefore, we say not only that one can, but that one must consider first all likely foreseeable consequences which might lead us to think that they may influence the institution or the very definition of the concrete duty. Al-Shāṭibī says as much in other texts.

It may be noted that in these cases our consideration of the effect does not provide us with an inclination to act, but rather with a condition or a motive for legislation. It serves less to determine the will to act than to increase the awareness of the duty, since it must happen before the imperative of the duty can be imposed upon the will. The natural process requires the conscience to be aware first of all of the complete conditions of the action to be performed, either because we assume it to be absolutely obligatory and do not consider any other factors likely to affect it; or because we have already taken precautions to ensure that the good undertaking which we have already begun does not inevitably lead to a greater evil; or because the duty envisaged is not neutralised by another more essential duty. It is only when the status of the action has been thus established that the consequences to be discounted from that action may constitute valid objectives which encourage the will to obey.

This is a judicious observation, which we accept. Leaving aside the examples that we have just mentioned, we shall limit ourselves to examining the moral value of considering the result not as a contribution to the definition of the duty, but as an influence upon a will which is already sufficiently enlightened about the object of its activity. Here, too, we see that not all effects must be treated in the same way. There are effects which can serve as *objective ends* with an indisputable, clear moral value; there are others which are only *subjective ends* whose *legitimacy* is open to discussion; finally, there are others which are also subjective ends, but at the lowest level of the word 'subjectivism', which means *reprehensible selfishness*. *These three types of effect roughly correspond to the three categories of the intention* which we are precisely in the process of examining.

By an objective end I mean that which the conscience regards as essentially situated outside of the subject, and any advantage which might be drawn from it is only in view of the will insofar as it is objectivist, even if it may happen or be realised at the same time by itself or be the aim of another separate movement of the will. A subjective aim, on the contrary, is the effect which the subject expects from his activity as far as it is advantageous for him.

The *supreme principle of ethics* must be sought in an *objectivism of intention*. The will that may be declared *good* is not the one that claims or asks for the reward for its effort, but the one that offers itself, gives itself and spends of itself without counting, which *forgets itself in its ideal*. This ideal is presented to us from two quite different aspects, which are both mentioned in the Qur'an. With the first aspect, the intention stops at the abstract form of duty. It is

inspired by the sole idea that it must execute the order because it is the supreme command. To obey God because He is worthy to be obeyed, in conformity with His command, to obtain His approval without attempting to understand why He issued such an order, and without taking into account the reasons which may justify it – such is the first aspect of devotion, but it is another, less abstract form of this ideal to which we must devote ourselves. Instead of stopping there, we penetrate the deep meaning of the command, and seek to align our own aim with that of the Legislator; we are concerned with establishing order, justice and truth; in a word, we aim to actualise the good which we know or presume to be the aim of the law.

As we have seen, the Qur'an most often presents the objective of the good will in its first form, but although they are less numerous, the texts which turn good in itself into an ideal of intention are no less explicit. Here, not only does the Qur'an encourage the believers to fight their enemies in order to obey God, but also to save the weak who are oppressed,<sup>93</sup> to put an end to the hardships which they bear and the temptations which make them turn away from religion.<sup>94</sup> The Prophet has also defined it for us in these terms: 'those whose aim is to make God's will prevail.'<sup>95</sup>

Which of these two attitudes is the most moral? In our opinion, the answer to this question will vary according to the primacy that we grant to faith or reason. For a rationalist, it would be unacceptable to put blind trust at the highest level of the scale, and to lower the enlightened and discerning conscience to second rank. The man who obeys an order without seeking to understand its reasons is only moved by the urgent nature of the command, whereas the one who obeys it knowing that it is just and reasonable has as much admiration for the law as respect. Thus, the intention which aims for the deepest meaning of the command does not take away anything of the beauty of faith, but adds something to it, to build upon it and make it unbreakable.

For the fideist, however, the faith which confines itself to the limits of intelligence is a fettered, mutilated faith, not to say non-existent. It signals less a trust in the object of our belief than in ourselves, meaning in our partial lights. There is only faith, properly speaking, when these lights are extinguished and we have no particular appropriate proof to establish the truth or the correctness of a proposition, except for some vague reason which is very general and lies not so much in the thing proposed as in the authority which proposes it. The one who trusts that his own lights are able to make his intention coincide with the aims of divine legislation, however impartial he may be and however high his objective, always remains below the perfect ideal. Not only does the most elevated thought which dominates the concern to establish a just and fair world order therefore remain attached to the creation, still without knowing how to lift itself up to the Creator, but also no intellectual effort can ever be sure of discovering and encompassing totally the designs of God in one order or another. None of the objectives towards



which our efforts tend will ever be equal, either in amplitude or elevation, to that which is found in the satisfaction of divine reason, a satisfaction which can only be fully attained by willing what it wills, for whatever known or unknown motives which it might conceive. This is the culminating point that reflects all values, above which there exists no possible aim even for the most perfect of intentions.

Certainly, the comparison of these two aims should not determine an exclusive choice between either of them, nor even allow the will to select them alternately. Rather they are two complementary elements whose difference in real value makes them indispensable to fulfilling the ideal. We can say that they co-exist effectively within trusting souls, with some difference which makes first one, then the other, predominate in a clear conscience. This is because, from one aspect, a believer who obeys the most obscure commands, even those that seem to be cruel, can scarcely submit to one which is capricious or arbitrary. Even when he does not see the glimmer of a reason, he believes it to be no less invincible than any of the wisest, which he obeys implicitly and whose realisation he seeks without discerning its nature.<sup>96</sup> From another aspect, the concern to perform the moral good which is revealed directly in the most evidently just commands is never separate in the conscience of the believer from a vague feeling of his general and unconditional adherence to all the other rules, without which the term 'believer' cannot be applied to him.<sup>97</sup> Thus, for a religious ethics, both points of view act together and imply each other.

It is no less true that the highest, the most embracing point of view, which necessarily implies the other without being itself implied with the same necessity, is that of trusting faith and absolute submission. It may very often happen that atheists pursue general good, as far as it proceeds from a kind of naturally benevolent disposition, which makes justice and charity agreeable to them, independently of the injunctions of the law. We have seen that this kind of spontaneity has no moral value, whereas the idea of obeying God never goes without conceiving His commands as the wisest measures which plan for the greatest good of man and the entire universe. If this conception does not become clear, distinct, solid and unbreakable after long observations and deep meditations; if it can not go beyond the first level of consciousness, except at a very high level of moral progress, it is no less implicated in the article of faith; and it is found effectively, if somewhat confusedly, within the soul of every believer, however poorly instructed in the faith they may be.

Let us now put aside the nuances of the moral ideal in order to keep only to its central formula, itself likely to be of various degrees, which will be: *to identify the object of the will with the object of the law, either by stopping at its form, or by penetrating its substance.* The objectivism which designates the truly generous soul keeps this object in view, either by drawing near to it through love or the feeling of gratitude, or by keeping itself at a distance out of respect for the Legislator.

No sooner do we leave this culminating point than we immediately drop to the level of subjective ends, meaning *self-interest*. For a will that conforms materially, there is no way of escaping this dilemma: either it serves the law and good in itself, or it pursues personal good. Can we say that these two types of good perfectly coincide and even merge? I would like to say that general good can also be our personal good, but from the point of view of the acting subject, one may ask oneself if, through one and the same act, the self is capable both of expanding outside itself in regard to the law, and of turning inwards towards itself, moved by self-love. Even supposing it is possible, this dual aim raises two categories in each case which, for the moment, must be studied separately.<sup>98</sup>

The question is now what these subjective motives are worth. Are we to accuse any concern with personal well-being, even the most legitimate, of being incompatible with our condition as devoted servants whose obligation is to consecrate everything to God? This is the opinion which *the most zealous of Muslim moralists have upheld. Kantian rigorism is nothing in comparison to them.* According to them, everyone's duty is not only to restrain their desires and subordinate them to the rule, but also to have no other desire than to serve. To devote some effort to satisfying human nature is already to establish a god other than God. This is the principle of the '*third party excluded in ethics*': there is no middle term between virtue and vice; where our thoughts are not attached to God, they are against Him.

Moderate thinkers, who constitute the majority, do not think so. We shall see that their moderation leads to what may be called, in the last analysis, Kantian rigorism. They have asked firstly whether such absolute detachment from nature is practically realisable, or even whether it is humanly possible. Who could pride himself in having no concern for his own person, and be able to ignore any moral or material result that his activity might produce? Who could claim that health, life, well-being, salvation, close friends, even knowledge, intelligence, the qualities of heart and mind are insignificant things for him, without any attraction and without any power over him?

Supporters of this absolutist doctrine were called heretics by Abū Bakr al-Bāqillānī. He even attempted to turn their theological argument against them. They wished to spare believers from committing this kind of 'association', which is the worship of self-interest; al-Bāqillānī points out that, through this presumption, they fall precisely into the sin that they wish to escape, because they deify man by attributing to him a degree of perfection which is really the attribute of God alone.<sup>99</sup>

Without going as far as claiming that man is only moved by self-interest, can one reasonably support the view that in no case is it permitted for anybody to seek their personal well-being, as such? For example, can one forbid a man who is plagued by hunger and thirst to act (meaning, to eat and drink) because of this natural necessity? Must he wait a while in order first to bring to mind the imperative of duty and only then act under that command,

even if such waiting makes any attempt to resolve the situation useless? This example alone shows how cruel and absurd it is systematically to deny man the right to listen to the voice of his nature and to respond to its innocent call.

What must not be forgotten is that, in this concession to human nature, it is *not, of course, a question of establishing self-interest as a second principle of morality*. Certainly not. Everyone on both sides remains in agreement that morality is *one*; that beyond the will to obey (in both aspects), there is no *positive* moral value.

For moderates it is simply a matter of removing the stigma that some mystics have wished to place indiscriminately on the pursuit of any subjective end, whatever it may be. In other words, it is a matter of substituting a *tripartite* division for this *bipartite* division, in view of which it is possible to place simple innocence between *merit* and *blame*, the legitimate between the praiseworthy and the punishable, and tolerance between obligation and proscription.

Not only does this triple labelling form the very structure of all Islamic legislation, but we find it expressed very clearly in a famous *ḥadīth* reported by Mālik, al-Bukhārī, Muslim and the other traditionalists, precisely with regard to intention. In the words of this *ḥadīth* the act of caring for and training horses is considered, according to the intention, sometimes as a meritorious act worthy of divine reward, and sometimes as a sin. Sometimes it is neither one nor the other: it is meritorious for the one who holds them constantly ready in the service of God; a sin for the one who does so to impress others, out of vanity, and who uses them as instruments of aggression against the believers. But, between the two, we see how the Prophet justly places the man who looks after them to provide for his own needs, without forgetting his strict duties in the meantime: he will merit neither reward nor punishment, but will simply be 'safe'.<sup>100</sup>

There is nothing clearer or more precise in support of our theory, which comes from common sense anyway. Since all positive value is thus ruled by the devoted will, the other two distinctions devolve from the subjectivist will. Seeking a particular personal interest through a particular action is said to be *acceptable*, *tolerated*; or *vicious* and *criminal*, according to the complex conditions that we shall expound in the following two sections.

### *C Innocent intention*

I call *innocent* intention in any action the quality that the will acquires when, refraining from the pursuit of ignoble ends through this action, it does not elevate itself to claim the nobility of impartial devotion, but contents itself with an average position, which consists of allowing itself to be guided by a *legitimate interest* to which it is entitled by the law. All cases in that category are legally correct and regular, but morally, according to the most generous of Islamic doctrines, they have *zero* value, meaning they merit neither praise nor blame and lead their subjects neither to reward nor to punishment. This is a

position which undoubtedly constitutes an *imperfection*, and it is regrettable for anyone who might have been able to increase in value to be satisfied with being excused, although it is not bad to be 'safe'.

Two conditions are required to be able to enter this category, one regarding the end, the other the means. Concerning the end, it goes without saying that it must firstly be effectively authorised by the law and known as such by the subject. It is the very definition of this second category (as opposed to the third, especially), but besides that, it is necessary that the awareness of this authorisation *conditions*, and not only *accompanies*, the movement of the will towards this end. In the concordance of the inclination and the rule, the former must subordinate itself to the influence of the latter and this subordination must be freely accepted. This is a nuance which tends to escape us, but of which it is absolutely necessary to be aware before acting, otherwise we risk our innocence turning to guilt. This is why, when the Qur'an establishes some derogation to a defence under extreme circumstances, it emphasises the obligation for the one who wishes to use this right to make sure that its use is not actually determined by an inclination towards a forbidden object which may be tolerated.<sup>101</sup>

In such a case, how are we to distinguish between what is principal and what is secondary? Here at least is a process which everyone can use quite effectively, which is to change the conditions of one's experience, at least mentally, by asking oneself what one would do if the rule forbade such self-interest. The answer that we obtain will have a greater opportunity to teach us about our true inclination the more we have experience of behaving with circumspection in regard to our strict duties. If, in prohibited cases, I acquired a certain regularity in the control and the constraint of my desires, I could judge with all likelihood that, in permitted cases, the consideration of the law also rules my behaviour and subordinates my interests. Whereas if, in cases of conflict between duty and inclination, I notice that it is the latter which is most often above the former, I can be sure that in cases where they agree, human nature is still dominant and comes first. The Qur'an has amply described and stigmatised this unstable attitude, which often changes its face with regard to the law, sometimes submitting to it, sometimes deviating from it, depending on whether it satisfies our selfish interests.<sup>102</sup> No, the authority of duty in relation to our desires must be unconditional, but they only conform to it haphazardly. *We hear and we obey*, is the immutable phrase of the believers before the different pronouncements of God and His Prophet.<sup>103</sup>

Whether we respect or invert the hierarchical relationship, it is in taking the step which must only be followed that the enlightened inclination whose satisfaction is normal and allowed differs from the blind desire against which the Qur'an repeatedly warns us, but it is not enough that the proposed end is something permitted in itself; in addition to that, the second condition requires that the action which is taken must be of the kind that can morally serve as a means to reach that end. Here, the idea of *finality* arises in all its

complexity.<sup>104</sup> The aims of our actions must be judged not only for themselves, but also according to whether they correspond with or diverge from the aims of the law. Are there, for example, any more normal preoccupations for man than those of living without any great disruption and making good friends with his fellow human beings? But in order to attain these objectives, man follows a way which is natural and blameless. To live well materially, he only has to employ his effort in industry, trade or any other honest and productive business. In order to win the hearts of his comrades, it is enough to behave in the most courteous, the least demanding and the most liberal manner possible. In any case, it is not through acts of devotion or charitable deeds that one can hope for other people's esteem or count on their help. A culpable and sacrilegious intention is the one that seeks to use deeds whose aim should only be the pure sanctity of duty for worldly objectives.

If it is a crime to practise virtue with the intention of gaining some advantages from human beings, is it equally so if we practise it in the hope of a reward from God, or out of fear of His punishment? This question has provoked the greatest polemical debates among Muslim moralists.

The essential argument of the rigorists is well known. It is very simple and it is taken directly from the Qur'an. Man was created solely to obey God and to address Him with a purity of intention. To allow himself to have his eye upon any of the pleasant or unpleasant results of his actions is to reverse the order of this finality, for then duty simply becomes the means, and self-interest becomes the ultimate objective and the true object of adoration.

Their adversaries had to make a great effort in subtle reasoning in order to extricate themselves from that. On one hand they tried to establish a twofold objective for the creation, and on the other hand to state that conformity to secondary objectives can happen without prejudicing the principal objective. They explain that it is true that as a subject of obligation, man has no other purpose than that of performing his task punctually. Whoever tends to desert his duty will be immediately brought back to it through various sanctions; he who submits to it as a sacred duty cannot then demand any right, either from men or God. From men: we have just seen, and it is known, that Muslim law forbids *imāms* and judges to take any money from their clients; from God: since according to the Prophet: 'No-one will enter Paradise except through his good deeds.'<sup>105</sup>

It is no less true that, as the object of divine goodness and justice, man is called to reap the fruit of his actions. When he comes to seek not what is due to him, but what is promised, does he do anything else but conform to the plans of God Who Rewards, if not to God Who Legislates?

Let us recall *two truths* which no one can misunderstand even from the legislative point of view. The *first* is that the twin sisters of fear and hope are, for the religious realm, two qualities worthy of being cultivated in themselves. They are like two wings that are indispensable for piety and faith to take flight, just as hardness and callousness of the heart are regarded by everyone

as defects belonging to the unbelieving heart. The Qur'an, like all sacred books, is full of this kind of meaning. The *second truth* is that these very same religious feelings can legitimately serve as motives for appropriate actions. No one would argue that the suffering experienced or feared by the believer normally determines the mystical attitude with which he entrusts himself to God, calls for His help and asks for His kindness. The Qur'an expressly invites us to do this,<sup>106</sup> and the Tradition teaches us that every time the Prophet was oppressed by trouble, he resorted to prayer.<sup>107</sup> As these two points are in agreement, they constitute some mitigation of the extremists' views.

In return, the opposite camp concedes an important point, delineating the role of the feelings in question. While acknowledging their intrinsic value, proclaiming that the flight from pain and the pursuit of happiness through appropriate means proceed from very legitimate tendencies, the commonly held doctrine cannot go as far as granting them a moral value when they serve to promote a duty within the conscience, for this would teach something that the Qur'an does not justify at all.

This point cannot be emphasised enough and its omission has thrown confusion into many minds between two very distinct notions in the Qur'anic teaching: the *intention*, which proceeds from the moral agent, and the *sanction*, which is the reaction of the Legislator. On one hand, the Qur'an has established duties, on the other, their retributive consequences. Is it not just that virtue is honoured and rewarded, and vice shamed and punished? But it is quite a different matter to assign our destiny to our deeds, and to suggest to the will a principle that inspires it. As the Qur'an has repeatedly stated, this principle is completely different; it is the purest ideal. The one who performs his duty out of fear or hope, who makes the vision of the future life a motivating force for his obedient will, not only confuses and identifies two different types of finality: the *existential end* (the outcome) and the *moral end* (the aim), but he neglects one condition that is essential for the promised destiny, for, in order to reach that life of happiness, the Qur'an has traced a path to be followed and has established a method to practice.<sup>108</sup> Heaven is only promised to sound hearts that are turned towards God.<sup>109</sup>

Brought together in this way, are these contrasting theories not confused with each other? Not entirely. A litigious point still remains in opposition. Whereas the rigorist theory always considers impure and soiled anything which does not have the purity defined by the Qur'anic words:

*Allāh is to be the sole aim of your charitable deeds*

2:272

the more lenient doctrine holds that, between this absolute purity, which is worthy of praise and reward, and the manifest impurity that is constantly condemned in the text, there is a relative, moderate purity, which the Qur'an has not explicitly mentioned, either in favour of or against, allowing it to be understood that it merits neither praise nor blame, that it is simply permitted.

It might even be said that the Qur'an has already permitted, if not almost encouraged such a utilitarian attitude by announcing that there will be retribution. Of course it has not said: Perform your duties in order to gain eternal bliss, but rather: Perform them for God, and when you have done so, you will be happy. Nevertheless, if such a nuance has even escaped some philosophers, one may imagine how arcane it is for the mass of believers. The average man will always retain the image of sweet promises for the virtuous (and terrible punishments for the wicked). Weak and sensuous by nature, whose faith is only theoretical, he instinctively nourishes his hopes (and experiences apprehensions) along with his sense of duty. Once the sense of duty and the need for salvation are side-by-side and remain close together within the conscience, no power on earth, when human nature plays its part, can prevent the effects of this permanent contiguity. How could a just law forbid the emergence of a fruit after sowing its seed in our hearts?

Let us consider the matter rationally. It may be said that acting out of fear of punishment is far from being a principle of any moral value. We fully agree, but is there any motive as abject as deceit, ostentation or vanity? Can one consider the fear of God to be as low as the fear of people? Must we not recognise at least this difference between them: that fear of the people inspires in us hypocrisy and cowardice, or drives us to violate the law when the object of this fear cannot touch us?

As for the hope of future happiness: it might be said that it is a mercenary business. Yes, clearly it is in comparison to the pure love which considers nothing but the Beloved Himself. Nevertheless, who does not see that just the act of accepting this way and thus renouncing a tangible benefit that is certain and countable for an indeterminable benefit that is undefined on an individual level, and so far removed that we must die and be brought back to life before we touch it, is already to have risen above the animal instinct that is attached to the here-and-now, and to show superior qualities: patience, self-mastery, openness of mind – in a word, a kind of idealism?

It might be argued that this is the prudence of the speculator. What a strange speculation! No calculation of probability could possibly justify it, except faith. And what is faith if not the belief in something which for us is neither attainable through the senses nor demonstrable through reason alone? Calculation, yes, if it may be called so, but nobler and less self-interested than that of any speculator, since practical common sense tells us that the risks are far greater than the probabilities; all the same, we consent to it and accept even the supreme sacrifice, through the sole virtue of trust.

The ethical disadvantage which would result from the reversal of the relationship between the end and the means will still be emphasised. Of course. What is the criterion for this reversal? As we have seen, it is the independence that is granted to self-interest to the detriment of duty. We thus ask a believer if it could ever be the case that he might ask himself the

following questions: if there were no reward for me for putting the law into practice, would I think of claiming any? Or if the violation of duty did not incur any penalty, would I feel less obliged to obey it? If, for any reason, I were assured that all my sins would be forgiven, would it be an opportunity for me to commit more? Or as the Prophet said, 'Would this not rather be all more reason to show that I am a grateful servant?'<sup>110</sup>

Listen to this reflection of the Poet:

*Were we not warned of the resurrection of the dead,  
And the fires of hell not lit,  
Would it not be a duty and an obligation for creatures  
To show their gratitude to the Beneficent?*

The importance that a true believer attaches to his happiness is only a derived, subordinate form of self-interest, an excess which could be forsaken if it came to compromising his most essential objective: to please God. We have the most perfect example of this wise and noble attitude, which sees both the pure ideal and the weakness of human nature, in the beautiful prayer of the Prophet. Unknown and exposed to persecution, he exclaimed: 'Lord, I complain to Your Majesty of my weakness, the small means that I have, and the scant regard people have for me ... If you are not displeased with me, everything else is unimportant. Even so, the salvation that comes from Your Mercy will be sweeter to me.'<sup>111</sup>

Let us go deeper and analyse the degree and the meaning of this wish for future happiness, in order to know if it can constitute an independent motive for the believer, alone able to determine his will. In the way that the Qur'an formulates its promises, two conditions are necessary to merit eternal happiness: purity of heart and constant faith throughout our lifetime, until death. What kind of man, no matter how obedient, could confidently claim to fulfil both conditions? Can the most magnificent reward that can be imagined be enough to motivate the troubled soul of the believer?<sup>112</sup>

The effectiveness of the opposite feeling is just as questionable. Is the image of a future punishment, terrible as it may be, really enough to conquer the temptation of an evil deed and turn the will away from it? One may doubt it all the more when one compares this terrible punishment with divine mercy. Normally, neither of these two ideas must rule in complete isolation within the consciences of believers. This is a remarkable point in the Qur'anic description of virtuous souls. It presents them as if they are simultaneously affected by the two opposite states of fear and hope.<sup>113</sup>

What result can one expect from this mixture of two neutralised, antagonistic and reciprocal elements, these two half-feelings, one might say, if only a vague, ineffable presentiment, a translation into sentimental language of the resigned will which freely submits to the injunctions of duty, whatever the consequences may be. 'Do what you must, whatever may happen' – in the final



analysis this is the attitude to which the uncertainty that agitates the heart of the believer leads.

If one wishes to name this newborn at any cost, one will find nothing better than to call it: *a sense of modesty*, a temperate state, situated between two strong emotions, which is the nearest relation to a *sense of respect*. It is defined as keeping away from evil through concern not to become defiled, not to be ashamed before oneself and before God. Fortunately, we find the same concept given by the Prophet as a characteristic of Islamic ethics.<sup>114</sup>

Jewish ethics is normally described as the *Law of fear*, and Christian ethics as the *Law of love*, but so far, to our knowledge, no author has attempted to determine the most dominant element of Islamic ethics from this order of ideas. It has already been given by the very founder of this ethics. This is illustrated once again by the central idea of this task, namely, that the Islamic doctrine unifies the various principles indispensable to moral life in a harmonious synthesis by making them converge towards the median.

Let us return to our subject, and assume that a clear sense of fear or hope can determine an obedience in the believer which is influenced by the prospect of the promised salvation. Thus we say that the action through which the will turns this existential objective into a voluntary objective, meaning a motive for the action, undoubtedly creates a new relationship, with some discrepancy between the point of view of the Legislator and that of the subject. As this discrepancy is almost inevitable in weak souls, it does not constitute a moral crime, but rather a certain mediocrity which a just law must tolerate while depriving it of any positive value.

We saw earlier how al-Ghazālī defined a *good intention* in its most elevated sense. Speaking, then, of those who are led to obey through their fear of punishment or desire for reward, the author adds: 'Although it is of an inferior degree in relation to the former, it is acceptable all the same. Those people resemble bad mercenaries, but their level is that of those who have simple understanding.'<sup>115</sup>

The pursuit of future happiness is only a particular case of a more general concept, which is the pursuit of the subjective ends that we have qualified as legitimate, but commonplace. We say that this average kind of judgement depends on the condition that the will is not inclined towards the desired object independently of the law, but with the less implicit authorisation to pursue the object through a particular action.

We should add another condition which remains a little overlooked and insufficiently defined: In order to merit being deemed average, the influence that the moral law exercises upon the self-interested will must be of a purely restrictive and limiting order, meaning that it prevents it from going further, but gives it no reason to encourage it to act, otherwise the will would be rehabilitated and the intention held to be morally good. For as long as the will retains only the permitted characteristic of the desired object, how can it tend towards that object rather than towards its opposite (which hypothetically is

equally permitted), if it is not brought by something outside the law, either an inclination or a habit? Even when restrained by the rule, a desire is still a desire. This is why we accuse the pursuit of personal good, be it for the present or the future, of being mediocre and vulgar, even if it is something that is permitted.

It would not be the same if, discovering under the apparent indifference of the law that there were positive reasons making action *morally preferable to abstention*, the will pursued the object not only in order to satisfy a desire, but also insofar as this satisfaction gave rise to a moral good which the law had encouraged. Here are several examples from the prophetic tradition:

1) *Earnings*: This is how the disciplined activity in the acquisition of worldly goods changes its value according to the essential aim which it proposes and the spirit which inspires it. If it is for the pleasure of possessing something and the possibility of living without worries, it remains oriented towards human nature and only just merits being called acceptable.<sup>116</sup> If, at the root of this activity, there is an impartial point of view, and if the worker is motivated by the prospect of a fairer distribution of general happiness, a fairness to which he intends to contribute through this activity, either by forgetting himself, or by considering himself just as an individual in the universal order, then intention, banal as it may be, becomes praiseworthy.<sup>117</sup>

2) *Goods*: The same value can be attributed to the moderate use of comfort and welfare in general,<sup>118</sup> if one sees these commodities not as a response to our expectations, to satisfy our natural needs, but as a blessing granted by Providence, and by accepting them we conform to His will<sup>119</sup> and solemnly acknowledge His mercy.<sup>120</sup> Seen in this way, the moderate enjoyment of what the Creator offers us in nature is not only permitted, but becomes something recommended, in that it provides us with the opportunity to show our gratitude towards the Beneficent.

3) *Derogations*: Voluntarily depriving ourselves of what God ordained for our use therefore seems like brutal and ill-willed opposition to the intentions of divine grace. This applies especially to exceptional cases, where, in order to spare us from some hardships, the law makes some derogation to the general rule. The Prophet told us that, 'God loves us to enjoy His generosity, just as He loves us to obey His formal commands.'<sup>121</sup> The one who makes use of these exceptions, not out of indolence, but in a spirit of discipline and complete conformity, already raises himself above the level of common innocence. He demonstrates modesty and humility before God, acknowledging the timeliness of any measure of mercy from God as divine solicitude towards human weakness, whereas the one who makes himself endure difficulty and who keeps himself to the strict measure established for ordinary circumstances seems to want to say to God: I can do without your mercy.

4) *Games*: Is there anything more mediocre and futile in the eyes of Qur'anic wisdom than *games* and *distractions*? Every time it wishes to disparage earthly life does the Qur'an not apply these two terms to it?: *la'ba* and *lahā*. Yet the Prophet declared that some sporting games (like archery and horse dressage) are not without value.<sup>122</sup> And according to some of his Companions,<sup>123</sup> it is sometimes good to relax with a distraction, in order to refresh the mind and recover the energy necessary for taking up proper moral activity.

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From this come two *conclusions* that are evident in Islamic ethics: *the first* is that an intermediate zone exists between good and evil. The *second* is that a good intention can make actions that are said to be permitted, or simply tolerated or even hardly commendable in general, into good and praiseworthy ones.

If this is so, how do we explain the austerity with which the wise and great saints of Islam almost unanimously forbid their disciples, and sometimes even themselves, to take an action that is simply permitted, or to benefit from a derogation and to yield even to their most legitimate inclinations, except in extreme necessity, which the preservation of life demands? Their method requires that everyone consult his desire, not in order to follow it, but in order to take exactly the opposite decision.<sup>124</sup> They proclaim that we must only be concerned with essential duty (*wājib*), or recommended duty (*mandūb*). They expressly teach the obligation of treating things that are simply authorised (*mubāḥāt*) exactly as if they were forbidden. Does this not confuse the two commands which this theory has taken great care to distinguish? Can one reconcile this teaching with that of the Qur'an and *ḥadīth*?

Concerning the way in which they train their disciples, we have a response which we believe to be from the very teachings of the masters. They explain that this rigorous discipline is only a kind of therapeutic which is imposed upon initiates for a short transitional period. It is a way of breaking the force of concupiscence in them, which is the most ancient and the most deeply rooted in human nature, in order to prepare for the rule of reason. We know the nefarious influence upon the soul that comes from being accustomed to ease. So in order to extirpate this vice from the beginners, one must begin by giving them a remedy which is just as severe. One cures the extreme through its extreme opposite, in order to return to what is normal. Once their soul has been relieved of the weight of these anti-moral forces, they will be permitted gradually to loosen the reigns of their senses, certain that their hearts are enlightened enough not to fall back easily into the dark realm of the senses.

This severe way of treating the soul of the novice does not seem like an innovation when one compares it with human institutions of the same kind. Throughout the ages, men have always followed the same method whenever they wish to obtain a profound change in character. This is what the mother

does in order to wean her baby; this is what trainers do in order to tame wild beasts and birds of prey.<sup>125</sup>

As for the saints themselves, inasmuch as their holiness is acquired through struggle and effort, they may have imposed similarly severe conditions upon themselves at the beginning.<sup>126</sup> Once this stage of apprenticeship has been passed, they generally follow the normal manner of things and no longer need this device. If, in their mature period, they are sometimes seen to abstain from an authorised action, this abstention must not be seen as an enforced deprivation and a voluntary prohibition of what is permitted by the law. Two explanations may be given to justify their conduct. Either they do not feel the need to make use of it and they choose one of two opposites which are equally permissible, or, ever careful to observe the motives of their heart and to guide it according to the best possible intention, they drop the action which is only inspired by a banal intention, in preference for another whose moral value is not doubtful for them. As al-Ghazālī has emphasised, between granting forgiveness, an action which is highly recommended, and just revenge, which is permissible, their choice may vary from one case to another, depending on the situation which the most elevated response dictates.<sup>127</sup> This is a noble and reasonable attitude where there is a delay before acting, but not when circumstances demand immediate action, because, at that moment, two duties must be distinguished: to act, and to be well intentioned. If the second cannot be achieved it is no reason to neglect everything entirely.<sup>128</sup>

Also, in the desire and search for superior values, our wise men never do so to the point of absurdity. Is it not a moral nonsense to allow evil to persist while hoping for the ideal? It is courageous, brave and manly to bear starvation with dignity when a moral or natural necessity imposes it; and it is noble and sublime to suffer chastely the temptations of celibacy, rather than falling into a moral disadvantage through marriage. The Qur'an invites us to endure such duress in passages even where it gives derogations, but abstention has its limits, beyond which any persistence becomes not only unwarranted torture, but also something that goes against the good will of God.

It is very instructive to see how these three ideas succeed one another in the same Qur'anic passage:

- 1) authorisation,
- 2) advice given to resist,
- 3) reserve being made for leniency.<sup>129</sup>

The wise Muslim cannot mistake these stages. When he maintains a high level of morality as if it were a strict duty, he well knows that just below that is another level to which it is permitted to descend and where one must put one's foot when necessary. Brutal persistence which continues to the bitter end goes against nature and would undeniably be a crime.<sup>130</sup>

We do not make the best of ourselves either in order to spend of ourselves or to save ourselves. When the moral law requires us to make a sacrifice, we must freely consent to it. When it exempts us from it, why be more royalist than the king? To conform to the order of nature by the order of the moral law is certainly a worthy intention, but it is not forbidden to conform to it out of self-pity when the law permits it. The only criticism that can be made against this pursuit of legitimate subjective ends is that it only retains the negative character of morality.

It may be objected that we have divided the aims of the will into two classes: objective and subjective and, after reserving moral value for the will whose aim is objective, we have subdivided subjective aims into those that are legitimate and those that are illegitimate; this means that the best lot given to a subjective intention is simply to be innocent or tolerated. Are there no aims which are both subjective and valuable? Would all personal interest not then always be depreciated, if not irredeemably condemned, or at least relegated to the lowest possible degree of morality, never constituting a valid motive in any case? Regarding the good of the senses, which hardly touches the realm of morality, I accept that this depreciation has been thrown upon it, but there is also my own moral good itself. Do you intend to make it undergo the same fate as the good of the senses and exclude it from the domain of the valid principles that determine the will? If, by applying myself to virtuous actions, I am guided by the desire to acquire the strong qualities of the soul such as purity of heart, enlightenment of the mind and strength of will, can it be said without any contradiction in terms that a will which pursues its own moral good is not inspired by a morally good intention?

Our answer is that it must be understood that for a rational ethics such as that of Greek Antiquity, the Stoics in particular, such an intention is not only good, but the best possible. If the essence of the soul is knowledge of the truth and an adherence to virtue; if the most adequate action for each thing is that through which it tends to realise the fullness of its essence, then it must be concluded that the ultimate principle of morality cannot be anything other than the search for this perfection. It must also be acknowledged that from the Qur'anic point of view itself, it is impossible to equate the two kinds of personal good, for, whereas the Qur'an presents the honest search for material well-being as something that is simply permitted, it makes purity of heart not only a condition for salvation and eternal happiness,<sup>131</sup> but a badge of honour for which it constantly encourages us to strive.<sup>132</sup> Must we not make this type of personal good an exception to the general rule?

Despite all the considerations which favour this conclusion, we think that we can find in the principle of *perfection* an *equivocity*, and therefore an *insufficiency* for it to constitute by itself the absolute moral motive. It often happens that we seek the perfection of our superior qualities, both intellectual and moral, not for itself, but in order to reach through that perfection a certain flexibility, a fluency of action, a higher return, without demanding

that their use strictly submit to the rule of duty. In this case, perfection is not actually seen by us as an end in itself, but as a means to attain other ends that must be considered in their turn in order to judge their value in moral terms. Even when we hold this inner perfection to be the ultimate aim, and leave aside anything else, are we not still only satisfying the natural tendency which every being has to realise the plenitude of their essence? Does this perfectly pure, ideal essence, which we take as a model, represent for us anything else than a work of art? Neither instinct nor artistic taste are, or can be, principles of ethics. Furthermore, with them we remain at the level of innocence. It is not the same if we consider this well-being of the soul and the spirit not as a response to our needs or our tastes, but in relation to the moral rule, either as a fulfilment of a duty, or as a greater capacity for fulfilling it.

So, despite the paradox that maintains it, we may conclude that all subjective legitimate ends, however different they may be in themselves, do not differ as such on the level of intentionality. As their value in this regard always remains relative and conditional, the ultimate principle of morality must be found in an immutable, objective end, to which the will is submitted and devoted. This is undoubtedly why in the passage where the Qur'an praises the charitable deeds which benefactors perform with the intention of strengthening their souls, we find that this aim is only mentioned as an after-thought, the principal intention being to please God and gain His approval.<sup>133</sup> Al-Makkī is therefore right to say – although just in passing and without emphasising it – that even 'the purity of the heart, the serenity of the soul, and upright behaviour [must be sought] with a spirit of discipline, and not rely upon a natural inclination, or be driven by habit.'<sup>134</sup>

Let us now examine the third category.

#### *D Evil intentions*

Just as between the two points of the Euclidian space there can be only *one straight line*, so with the subject of obligation and its object, through the channel of intention, there is only *one path for virtue*, wherein the intention of the subject is adequate to, or one might say superimposed onto, the intention of the Legislator. If it is identical to the intention of His command (out of duty), it is good; if it is only so to the intention of His mercy (through permission), it is acceptable. Any conscious, voluntary divergence from the path determines the culpability of the intention. Beyond the one straight line, what an infinite number of directions, detours and divergences there are! Thus, the unity of the principle of morality is contrasted by an incalculable plurality of contrary principles.<sup>135</sup>

It would therefore be foolish, even mad, to undertake a complete catalogue of all the aberrations, or even a general classification of the different types in this category. As the nature of the subject is not suitable for such a rigorous systematisation, we shall limit ourselves to examining the most notable cases which are particularly emphasised in the Qur'an and *ḥadīth*: the intention to

do harm; the intention to avoid one's duty; the intention to make an illicit profit; the intention to please men (ostentation).

1) *The intention to do harm*

We know that, at the social level, Islamic law has taken a set of measures whose honest application cannot fail to create a society that is strong and happy, coherent and prosperous, where justice and charity reign, but we also know that the best law in the world would be useless without the good will of the people to which it is applied or who are called to apply it. The most terrible way of sabotaging a law is not to oppose it with fierce resistance, or to neglect to put it into practice; that would be another way of respecting its sanctity, by not affecting its theoretical purity and leaving its application in better hands; it would also leave it time to prove its resilience when it came to be applied. The nastiest and most injurious attitude towards any law is to affect a pious appearance, carefully respecting it to the letter, while working to divert it from its aim, making it unjust and hateful instead of charitable and kind. This is what the Qur'an, in the case of some ill-intentioned acts of conjugal reconciliation, calls: *making a mockery of Allāh's words*.

Here is the case. We know how much the Qur'an seeks by all reasonable means to maintain and consolidate the sacred bond of marriage between spouses. It does so first by commanding men to treat their wives humanely, even when they have antipathetic feelings towards them,<sup>136</sup> then by counseling wives to get on with their husbands even if some concessions have to be made.<sup>137</sup> Finally, in cases where they cannot rule their own affairs, it invites the two parties to submit their dispute to the arbitration of two members of their respective families, in order to seek reconciliation.<sup>138</sup> If all these conciliatory efforts fail and divorce is agreed upon, the Qur'an grants the husband some more time during which he may reconsider the issue.<sup>139</sup> If a second conflict follows and a second decision of divorce takes place, another similar period of time is granted.<sup>140</sup> The divorce is considered definitive after the third time. It must be admitted that the spirit of reunion cannot persist any further without going against nature. All these attempts to avert, and above all to repair, the breakdown of the conjugal link are not intended to reunite two antagonistic elements at any price, which only oppose one another when they are brought together. On the contrary, they assume that, once the matter has been closed and emotions have been calmed, the possibility of a family life can resume its normal course. The Qur'an expressly stipulates that the condition for the return to a conjugal reunion is that each member hopes to fulfil their duties honestly.<sup>141</sup>

The maliciousness of vindictive men means that they abuse the right given to them and turn it into an instrument of suffering against their spouses. Delaying their decision during the given time period and not announcing it until the last minute, they finally say that they will have their wife back, not in a spirit of forgetting the past and with the intention of creating a happy

atmosphere of renewed love, but in order to repudiate them again and keep them in suspense, just to prolong the delay of their emancipation, preventing them through this apparent bond from starting another marriage that is likely to bring them more happiness. The Qur'an warns men repeatedly against such culpable intentions, sometimes in very strong terms.<sup>142</sup> A similar warning is given to people making their will, whose aim is less to help their beneficiaries than to deprive the legal heirs.<sup>143</sup> The Prophet undoubtedly drew the universal rule from these Qur'anic examples, among others,<sup>144</sup> which he established as an obligation for everyone: 'Do not wrong others or yourself.'<sup>145</sup>

## 2) *The intention to avoid one's duty*

There is another way of manipulating the law. This can be done by concealing its conditions of application, by causing an event that is likely to change the legal meaning of the circumstances, thus removing them from the rule of law. Here, the intention to transgress may not be essentially aggressive. Even if others may be harmed as a result of this device, it is not what was sought, only one's own advantage.

This selfishness, which gives men an excessive love for earthly possessions, is shown in two forms, of which the first might be called *static* or *conservative*, the other *dynamic* or *grasping*. The least dynamic selfishness is that which leads man to cut himself off, making him less devoted, less charitable, too avaricious for what he possesses, whereas the greedy and excessive form of selfishness is not content with a negative position, but attempts to accumulate benefits and advantages through any means possible.

The stratagems of the first form are well known in Muslim law, as well as their rules. They have been developed in the chapter on the solidarity tax, or obligatory charity, called *zakāt*. One very simple way of fraudulently eluding this sacred duty is, just as the time of collection is approaching, to break into one's capital through loans and other transactions as a way of decreasing it to the minimum upon which *zakāt* is imposed.

How does the law react to such operations? That depends upon the intention with which the owner acts. If he proceeds with these modifications in response to the demand of a real need, or under the pressure of unprovoked circumstances, not only is he morally without reproach, but he is also legally exempted. If he does it intentionally, in order to escape the obligation of paying his tax, the contrary happens. It goes without saying that by using his cunning with regard to the law in this way and by killing its spirit, he commits an undeniable act of immorality, but he also makes a bad calculation in thinking that he will be able to escape his legal obligation through this ruse. The opinion of all jurists is unanimous if the bad intention is expressed by actual deeds, namely, that he returns to his normal situation as soon as that period of time has passed. But in the opposite case, namely, if his estranged goods are not restored to him, should he be prosecuted or acquitted? Al-Lakhmī and Abū Ḥanīfa would exempt him from tax, interpreting the doubtful case in his



favour and making his primordial innocence prevail, while others see sufficient proof of fraud in the fact that this operation coincides with the period of taxation.

Similarly, another device is to put together several assets or herds belonging to different people (or, following the more advantageous procedure, to divide one asset belonging to a group), so as to avoid a heavy tax on each. The *ḥadīth* has formally prohibited this way of bending the rule.<sup>146</sup>

As for the rest, whichever way out that these hard-hearted rich people can imagine to succeed in escaping human justice, can they be sure of escaping divine retribution by these means? The Qur'an gives us an enlightening example: the day before the harvest, two owners of one garden decided to go there early in secret, in order not to attract the attention of the needy, and so as to escape the inevitable appropriation of their wealth. Now, what a disagreeable surprise has happened instead! All the fruits have already been ravaged by a divinely sent plague during the night while they were asleep.<sup>147</sup>

### 3) *The intention to gain illicit profit*

It is in the second form that the use of these deviant means abounds in the daily life of some businessmen, who are so careful to preserve an appearance of legality. We are not mentioning here the fraudulent methods used by unscrupulous artisans and traders in order to disguise the faults of their merchandise and make them pass for what they are not. These are gross corruptions, which are sufficiently denounced in the *ḥadīth*, and against which it is enough to state the formal command of the Qur'an, which requires the perfect consent of both parties for any transaction.<sup>148</sup> This consent assumes that everything in a transaction should be honestly set out. It is by *fairness* in everything and with everyone that the Prophet defines *faith*.<sup>149</sup>

Even more subtle are the ways of those who are instructed in the law and who, while affecting respect for the law and taking effective precautions not to violate its letter, try to find a bias through which to satisfy their selfishness. In his book, *Les Sages et les abusés*, the wise al-Tirmidhī has underlined a certain number of these cases of cheating, such as the judge who receives something from some parties as a 'present', when he is being given presents only because he is a judge; or the debtor who asks his creditor to grant him an acquittal for everything that remains to be settled, without giving details (by leaving everything vague the acquittal that he obtains is not valid in the eyes of God); or the husband whose wife gives him a part of her goods in order to prevent him from ill-treating her (this gift cannot be considered to have been given entirely freely, still less *with joy*, which is the term that the Qur'an has chosen to make its stipulation).<sup>150</sup>

We must go back again to the ancient past up to the Jewish epoch to find these typical cases of deviation which, in order to assure a correctness of conduct, begin by falsifying, deforming and twisting the rule itself in order to suit the desires. The Qur'an alludes to a certain device that the Israelites found

to allow them to fish on the Sabbath day without committing a sin.<sup>151</sup> A *ḥadīth* tells us another story of animal fat which was forbidden to them, and which, according to the rule, they abstained from eating, but which they sold for profit.<sup>152</sup> The commentary concludes that if God forbids something, He also forbids money to be made from it. This is why Islam declares the earnings of sorcerers, diviners and fallen women to be illegal and impure.<sup>153</sup> Many other cases have been unduly practised in Islamic societies and studied in treatises of Muslim law by different Schools. It must be acknowledged that not all jurists agree on the illegality of these devices, and it must not be forgotten either that those who allow them do not aim to prove the moral character of their authors, or to allow them to act without scruple.

Let us take – or let us go back to – the example of the ‘Mukhātira Contract’ (*bayʿ al-ʿiyna*), a famous device which is used to hide the ugly face of usury, and with which Pascal reproached the Jesuits, who held it to be permitted ‘even when the principal intention is personal profit’.<sup>154</sup> It is known that the Qurʾan categorically forbids usury, not only in its modern, restricted sense (fixing interest above a certain rate), but in the older, broader sense of the term: any profit, material or otherwise, that one draws from those to whom one makes a loan.<sup>155</sup> Lending is not trading; it is helping. Giving help must be absolutely without self-interest. The aim of the Mukhātira Contract is precisely to present the money that is loaned as something that is to be sold: the lender firstly offers the borrower an item of merchandise, which he sells to him at a high price, on credit. Then, he buys the same item back in cash and at a lower price, so that at the end of this double dealing, one is in the same situation as that of usury: the borrower receives money for the moment and he remains obliged later to repay more than he ever received, the coming and going of the merchandise serving as a camouflage and a means of softening the brutal truth of illicit gain. How is this behaviour seen in Islamic jurisprudence?

If things happen overtly as described above, that is, if it is agreed beforehand between two parties to resell to the same person that which it was suggested he buy, the agreement of the jurists is unanimous in annulling the contract as usury, but if one witnesses these two successive operations without ascertaining whether or not there is a pre-established agreement, must they be taken as one transaction? Is it not possible for there to be two separate transactions, the second being determined by a change of heart arising suddenly after the deal has been made, out of regret for having concluded the first? It is difficult to judge the deeper intentions of man with any certainty, but how should we judge the matter such as it is?

The Mālikites consider the profit to be illicit and a form of usury; the Shāfiʿites permit it and legitimise it: two contradictory decisions that do not judge the same case in the same way. If it were possible to discover what really happens in the thoughts of the two parties, one would not see this controversy, for, on the one hand Mālik does not forbid one selling back cheaply for

cash what one bought more expensively on credit in normal conditions, whilst on the other Shāfi'ī does not allow these two operations to be made together with the deliberate intention of making an impure profit. The problem that they raise is only this: given that the conditions of the two actions are impeccable, taken separately, but that the act of joining them together leaves their authors open to being suspected of an illegal plan, must such a contract be invalidated, as if the bad intention has been proven?

The Shāfi'ite School believes that we must not treat people according to our suspicions.<sup>156</sup> As innocence is of primary importance, it must be maintained, until proven otherwise. The Mālikite School replies that it is not a question here of suspicion, but of considering and grasping the rational meaning of the facts, a meaning which becomes all the more evident when it concerns 'people of trade'. The way in which the debate unfolds thus clearly shows that it does not refer to an action whose intention to make a profit is commonly understood and that it is only a question of justifying it or condemning it, but rather an equivocal case which has to be subject to interpretation in order to decide whether or not it conceals this culpable intention (or, more exactly, whether it must be treated as such). In the final analysis, therefore, the disputation gravitates entirely around a judgement of existence and not one of value, this not being doubted by anyone, and not even within a judicial remit.

Another example which has been the object of similar controversies will reveal to us the profound tendency that has led to such a divergence of views: it concerns the way in which an oath that may have several meanings is to be interpreted. How must one judge faithfulness or unfaithfulness to an oath that has been taken? Not the one sworn in front of judges,<sup>157</sup> nor even those made in a private promise, which many jurists liken to the former, but rather a wish or personal decision to do or not to do something.

The Mālikite School refers first to the intention of the person who took the oath; then, depending upon the explanation of the precise sense in which the author has made his vow or has taken his decision, they believe that it is better to adopt the sense that common usage gives to this formula in the restricted environment of the one who has pronounced it, as well as taking into account the particular circumstances in which it was employed. Finally, for want of anything better, they take the formula in its normal manner in which it is commonly accepted. In this way, step-by-step, this School tries through all plausible means to learn about the intention of the subject in order then to judge it, and it only passes to a further stage when it is impossible to stop at another that is nearer.

The Ḥanafites and the Shāfi'ites proceed entirely in the opposite manner. They rarely make any similar investigation into the sense that the author wishes to express. They hold directly to the words that are stated and take their literal meaning. Because of that, the Ḥanafites have had to ratify all possible means of evasion, as long as they do not go against the letter of the

statement, which has led them to merit the famous words of Ibn Ḥanbal, the founder of the most conservative school of traditionalists: 'I admire what they say about oaths. They destroy oaths through acts of subterfuge.'<sup>158</sup>

What is most surprising about the Ḥanafite position is that it is not in harmony with their general doctrine, which is mostly driven by rationalism. This School is known for showing great acuity with regard to sacred texts, always seeking to understand the reasons why, most often using, and occasionally abusing, reasoning by analogy; yet when they come to explain a contract or an oath, and generally as soon as it is a matter of a sanction or the prescription of an expiation, they abstain from any interpretation and accept all devious means, provided only that they do not contradict the dry letter of the established rule. One can understand the passion and bitterness of Ibn Ḥazm, a Zāhirite, who goes so far as to accuse the followers of the Ḥanafite School not only of encouraging vices, but also of teaching criminals how they can do whatever they like: theft, rape, terrorism, murder, whilst being protected from any penal sanction, even if they happened to be found in *flagrante delicto*.<sup>159</sup>

To render justice to this doctrine, which has been so violently attacked, we note firstly that it has been established from a purely legal point of view. Even in the ardour of his objections, Ibn Ḥazm did not go as far as accusing the Ḥanafites of wanting to justify an intentional deviation from the law. His only reproach was that they leave certain criminal acts unpunished, which, according to them, lack some conditions to warrant a conviction. Whether this missing element may have occurred in a natural or an artificial fashion, nothing is proven with the evidence and the Ḥanafites do not want to investigate. This may be their weak point, but their lenience with regard to the application of sanctions in doubtful cases can easily be explained by the Islamic law itself. Did the Prophet not forbid the violation, without good reason, of people's sacred right to their own security?<sup>160</sup> Inspired by a strong Islamic feeling of respect for human rights, this School has therefore wished to accept apparent innocence and to dispense with the heart of the matter, in order to leave it to the individual conscience. Does that not allow too much freedom to those who do not know how to use it properly?

#### 4) *The intention to please people (ostentation)*

It remains for us to describe another type of selfish motive, which will be the last that we raise. It is another type of greedy selfishness, but it is neither offensive nor materialistic. It is more subtle and private. It even arises from a natural 'self-love', which is, to a certain extent, more or less legitimate, but which makes the error of determining a duty, and therefore of being ill-placed.

It is more or less legitimate in itself, for in order to live in society is it not just as necessary to ensure at least the smallest degree of sympathy in the hearts of other people, and the smallest degree of their consideration as it is

necessary to breathe in order to remain physically alive? Is it not allowed, and even in conformity to tradition, to be a little more careful about one's physical appearance and mode of dress in society than at home,<sup>161</sup> and in social gatherings than at work?<sup>162</sup> To do one's duty to God and man with the intention of being admired by people, or in order that they speak well of one is a culpable form of selfishness, although more refined. We would like to clarify that it is not a matter for the one who is ostentatious of affecting a pose or of making gestures that do not correspond to what is in their hearts and minds; in other words, it is not a matter of appearing to be other than what they are in order to deceive, for in this case, the sin of ostentation (*riyā'*) would bear another more criminal name (*nifāq*) and the bad faith that inspires it would be much deeper, like the duplicity of the Pharisees. The vice of hypocrisy is complex; ostentation is simple. Without disguising our thoughts, without hiding our real feelings beneath a deceptive external appearance, we display our deeds so that people may see them and admire them; we feel the need for an external source of comfort to stimulate our efforts; we find that an internal motivating force is not enough to make us fulfil our duties; we only find it in approval, admiration, praise and plaudits and other similar reactions, upon which we sigh with satisfaction.

Despite its benign appearance, no indulgence must be expected for this kind of moral parasitism. Souls that seek the reward for their virtue in the esteem of human beings are judged so severely by the Qur'an that it declares their deeds to be worthless and their persons damned.<sup>163</sup> The *ḥadīth* counts among the first to burn in hell:

- 1) 'A man of knowledge who studies night and day so that people will say what a great scholar he is';
- 2) 'a rich man who gives alms so that people say that he is generous';
- 3) 'a soldier who sacrifices his life with the ambition of being called brave'.<sup>164</sup>

It is clear that, in these corrupted intentions, people become like objects of worship associated with God. The Prophet compared this vice to idolatry, calling it 'the most subtle association'.<sup>165</sup>

Muslim moralists, particularly al-Muhāsibī and al-Ghazālī, have devoted some excellent chapters to examining the sources and types of corruption of the heart, as well as their remedies, and as our essential aim is to focus upon general principles in the Qur'an, we will return to these authors for more details.

#### *E Purity of intention and mixed inclinations*

Thus, an intention will be called good, indifferent or bad according to whether we obey God for His own sake, or have a utilitarian plan in mind, that may be legitimate or illegitimate.

Such legislation presupposes that the will is determined by one single

principle, whether valid or not. Without denying the theoretical possibility of this singularity, it can at least be said that it is extremely rare. The most frequent case is where several reasons militate in favour of our decision. What, according to Qur'anic principles, can be the moral value of a decision where a number of motives converge?

First let us recall the texts already quoted<sup>166</sup> in which the Qur'an not only praises, but also strongly requires us to have a heart that is free of worldly influences and personal inclinations, making God the sole object of its deeds. These conditions determine the 'purity of submission', which, it says, is the only reason for man's existence on earth. One might be tempted to show some scepticism towards the real meaning of these sayings. It might be suggested that perhaps it is a matter of eliminating gross idolatry, such as the introduction into the act of the worshipper of some creature as an object of worship. This does not necessary imply the condemnation of the subtle aberration of the will, which is a combination of inclinations in the obedience to God.

We reply that it is precisely in a universal sense that the Prophet, as the first interpreter of the Qur'an, understood the texts in question. The circumstances in which the revelation of certain passages took place even prove that it means this combination of inclinations above all, rather than anything else. Such is the case in which the last verse of *Sūra* 18 was revealed. Here is the story: a man said to the Prophet: 'Sometimes, when I take a (laudable) action, I do it for God, and I am also pleased to be seen doing so.'<sup>167</sup> The Prophet gave no answer until the following verse was revealed:

*Let the one who believes in the Meeting with his Lord do good deeds and let him associate no one else with Him in the worship that he owes.* 18: end

Besides the commentaries on the Qur'an, there are many of the Prophet's sayings. Al-Bukhārī and Muslim tell us that a Bedouin once asked the Prophet: 'Messenger of God, man fights out of courage (*shajā'a*), or patriotism (*hamiyya*), or for fame (*dhikr*), or ostentation (*li-yurā makānahu*). Which of these is in the way of God?' The Apostle replied: 'The one who fights with the aim of making God's word triumphant and exalted is the one who alone fights in the way of God.'<sup>168</sup> Al-Muḥāsibī tells us that this *ḥadīth* is regarded by moralists as the strictest concerning purity of intention, because it grants human nature nothing, neither a single inclination, nor any additional attribute.<sup>169</sup> Al-Nisā'ī gives a similar version: someone asked the Prophet: 'What do you think of a man who goes to war to reap God's reward and worldly fame?' The Prophet repeated three times: 'He shall have nothing. God only accepts pure actions that have God alone as their aim.'<sup>170</sup> Still more categorical is the divine declaration which we read in a *ḥadīth qudsī*: 'God the Most High says: I am the richest of the rich and will not have any associate. If anybody performs an action which associates Me with anything else, I abandon him entirely.'<sup>171</sup>

It is therefore clear that, according to these texts, all motives that are added to the will to obey compromise the value of the action and deprive it of God's approval. Nevertheless, we must ask ourselves whether the soul which, being thus struck by the multiple aspects of duty, allows itself to be guided both by the majesty of the command and its timeliness, is as guilty as the soul that is purely and simply subject to its own desires.

There is the case where it is unanimously agreed that the influence of the senses does not diminish the value of the will. It is when the decision has already been taken in virtue of the law, but because of the approbation of others, we enjoy it more. The interest that we take when the opinion of others is not the cause of our action is a sort of effect. This is the case mentioned in the *ḥadīth* about 'a man who performs good deeds privately, but who, on being discovered, is even more satisfied'. About such a man the Prophet said that 'he would have a double reward: one for the hidden action and one for the open one'.<sup>172</sup> Commentators agree that this saying applies to the case where the secret was unveiled only once the action had been taken. Is it the same for the case where one is taken by surprise, whilst in the middle of taking it?

Having mentioned the controversy on this point, al-Muḥāsibī wished to settle the debate by making a distinction which we freely support. He notes that the pleasure that one feels at being seen on the right path may have various reasons which do not all have the same value. For instance, giving a good example to others is a source of genuine moral satisfaction, not because of the praise they give us, but because through this means virtue finds a greater number of adherents and practitioners. However, it is not forbidden to rejoice at this unexpected and unsolicited recognition, if we see it as a kind of divine reward or an indication that our virtuous actions may have attained God's pleasure. As for the natural satisfaction of being valued by others, it is always a mistake, but it is only considered a sin if we dwell on it and feel complacent about it. If it is only a fleeting, involuntary feeling, it would be too pedantic to exaggerate its seriousness. This does not prevent elevated souls from suffering from it and wishing to be completely rid of it.<sup>173</sup>

These cases apart, the real problem is when self-interested views precede the action and become some of the reasons that determine it. This is what is actually called *mixed inclinations*.

As we have said, the preliminary intention must be pure in order to be said to be good, but is this absolute purity a strict duty with no variance, whose omission is as great a sin as the simple pursuit of self-interest? Is human nature always capable of such an impartial attitude that it sacrifices itself entirely to the ideal, without also finding any satisfaction in it?

Let us say immediately that however this question is answered, we believe that Qur'anic principles incline us to be less intransigent on intermediary points than on those that are completely in opposition. If something cannot be borne by our soul, and if it is established that no-one can be burdened with anything beyond his means, all the sayings that demand this absolute purity

as the institution of the culminating point of value, towards which our efforts must always lean, even if we are destined never to reach it, must be interpreted in the light of all the evidence. Failing to reach this ideal is undoubtedly a fault, but it is not a sin; it is an imperfection rather than something immoral. The texts do not need to be manipulated in order to be interpreted in this way. It is enough to consider the difference of tone with which a bad intention or a mixed intention is judged. As soon as it concerns a mixed inclination, one realises the systematic absence of the threat of punishment that is made to culpable intentions and one sees texts saying only that it does not merit being called 'in the way of God'; that it 'does not please God'; that it 'is of no worth to Him'; that 'God can ignore it', and many more attenuated phrases, which refuse to grant it a positive value, without necessarily establishing its culpability.

If it were ever demonstrated that, either out of a kind of natural disposition, or through constant effort, the pure idea of sacred duty could alone preside over our decisions, and that any alteration to that purity would only be due to some negligence on our part, then one point must be taken into consideration: that of the degree of culpability. How can one judge in the same way a soul that is utterly corrupt and another which, troubled by personal temptations, at least tries to counterbalance or erase evil through good? Does the Qur'an not say that those who:

*mix a good action with a bad one may hope that Heaven will look down on them  
with clemency*

9:102

It is true that in this passage it is a matter of two separate actions, the first one is culpable and the second, which above all consists of a confession and repentance, tries to redeem the first, whereas it must be recognised that the case that occupies us here is considerably different: it concerns one and the same action inspired by an illegitimate intention, which is both good and bad – but we believe that this is only a minor detail. The analogy between the two is fundamental in the sense that there are always disparate elements in an action, but the existence of some that are acceptable leaves hope for a more clement reaction from the supreme Judge. It does not matter whether this mixture appears in the same part or among diverse parts: the Judge's careful analysis will be no more restricted in one case than in another in order to disentangle mitigating or favourable circumstances. The Qur'an repeatedly states that the last judgement will be given in conditions where the smallest detail of *for* or *against* will be placed in the scales, so that nothing that is in our favour will be neglected, even to the weight of an atom.

Taking this Qur'anic principle, al-Ghazālī was able to provide a detailed theory for this issue, which merits attention. According to him, each element's degree of influence in the combination must be examined, firstly apart, as if it existed on its own in the realm of the conscience, then in its relation with the



other elements. From this examination and comparison three cases are possible: either each of the two motives is powerful enough, even on its own, to initiate our action; or they only acquire this power through their conjunction, or only one of them possesses this dynamism, the second bringing only an additional strength which makes the task of the first one easier. He says that the first case can be called *murāfaqa*: the *accompaniment*, or *coinciding* of motives; the second, *mushāraka*: the *association*, or *co-operation* of motives; and the third *mu'āwana*: the *assistance* or *contribution* of motives. Despite their difference in nature, both the first and second cases must fall into the same category, that of equality (whether equality in action or in inaction). In contrast, the third one can be subdivided into two types of category, according to whether the preponderance is attributed to the force of morality or of passion. In order to define these categories, it only remains to set the scales and see which side will prevail.

So, let us take this moralist's example, of someone who asks for your help. Supposing he deserves it on two accounts: his being struck by poverty and being of the same lineage as you, and you help him. In order to measure the value of your action, you only have to refer to the experiment that you do on yourself. If you are certain that if a stranger came to you in the same wretched state, or one of your wealthy relatives demanded the same assistance you would feel equally disposed to come to their aid, then in these circumstances both motives each separately possess the same power over your soul. The same applies in the contrary case, where neither the poor stranger nor the rich relative would obtain your favour, because each separate reason is equally ineffective, whereas if you know that, independently of any other consideration, the thought of someone else's misfortune is enough to determine your act of charity, and that kinship will only accelerate your assistance without being able to initiate it, then there are two parts to your intention: the principal one, which predominates, and the other which is subsidiary and subordinate.

Where duty and self-interest have equal influence the action must be considered invalid, since good and evil compensate for and erase each other. If the moral motive prevails, it will have some value, but only because it exceeds the force of sensual inclinations. Conversely, if the impulse of passion is stronger than that of duty, the action is punishable, but less so than if it had been exclusively determined by a bad reason. In the same way that a small quantity of food and medicine cannot fail to produce a positive or negative affect upon our body, so the least inclination of the will, the slightest agreement that it gives to good or evil brings to our soul as much light or darkness, nearness to or distance from God. It is just as improbable that the least good is completely destroyed by the most evil, that the greatest good is entirely erased by the smallest evil, for, it were so, the law would place us in an impasse and take away all hope from us, since the human soul can only escape these mixed inclinations in very rare circumstances.

In favour of this theory, one can draw a positive argument from the Qur'an where it allows pilgrims to be occupied with their material life (with commerce) during their journey, as well as their spiritual duty,<sup>174</sup> provided the latter is their primary motive.

As for the texts that we put forward earlier, which seem to invalidate any association of inclinations, our author says that they must be restricted to the cases where these inclinations exist in equal proportion, which is what the word *shirk* usually means.<sup>175</sup>

Despite the rational and traditional nature of this classification, which in theory appears to us to be impeccably correct, al-Ghazālī does not claim to have found the definitive practical solution to the problem, or the exact measure which would permit us to judge ourselves with any certainty. On the contrary, he warns us against the 'great danger' of having too much faith in our own judgement, according to which one particular element would be the most essential of our motives. We might believe that we are acting principally out of devotion, when the most dominant force is that of our secret desires. One can therefore only really have hope in an unmixed purity, and of such purity one rarely possesses the certainty.<sup>176</sup>

The same doubt has already been found with al-Mūḥasibī, but with a slight difference which brings to mind the Cartesian theory concerning speculative evidence. While admitting the possibility, even the moral necessity, of commencing an action only when we can be certain that our aim is God alone, al-Mūḥasibī<sup>177</sup> believes that, as soon as a few seconds have passed, so that forgetfulness and distraction have some chance of invading us, we must fear that something has entered our soul to which we did not pay attention.<sup>178</sup> This fear is not, however, the kind to destroy hope. On the contrary, since one has begun with the certainty of purity and finished by having doubts, one may have the legitimate hope, according to the degree of this doubt, of becoming even purer, and will experience more happiness in this effort.<sup>179</sup>

## Conclusion

The question that we asked at the end of the preceding chapter has now found a most precise and detailed answer. It is not enough to state that Muslim ethics takes no account of an action which is reduced to its purely physical expression, where a conscious realisation is completely absent. It is not even enough to say that an action has a dual mental reality, meaning that it is both conscious and voluntary, before it exists morally. This existence presupposes the introduction of a completely new factor into the conscience.

As soon as it concerns a duty to be performed, the desired action must be viewed in its relationship with a law, and how it conforms to a rule; the notion of duty must return to the realm of conscience and be part of its objective. Seen otherwise, simply in its ordinary aspect, in its material definition, the action remains outside of morality as a deed that is *profane*.

Not only is the effect of this state of mind on the ethical characteristic of

the action indispensable to granting it its moral quality in general, but often our plans will be effectively judged by the precise manner in which we consider them. This certainly does not mean that Islamic ethics goes as far as making our moral ideas the sole criterion, which allows us to dispense with their conformity to the objective law itself, but, on one hand, in the case of extreme ignorance, our good intention may excuse us, while on the other and especially in the case where true conformity is contradicted by our subjective idea, meaning where we mistakenly believe that we are performing an illegitimate action, this bad intention is enough to condemn our behaviour when it is actually perfectly correct. On this there is an *ijmā'* (unanimous agreement). Nothing more needs to be said to establish the supremacy of intention over action.

Thus, the preliminary condition of a moral deed is the presence of a will which proceeds to the action in its conformity with the rule and only as such. If this awareness is a necessary condition, it is not enough for an intention to be morally good. Besides the moral choice of the immediate object (*the action*), there is also the choice of the distant objective (*the end*), and in this choice resides the moral intention in its most specific sense.

What is the rule that must determine this choice? We have seen how the Qur'an uses all means of persuasion throughout its moral teaching in order to win over our minds. As we have said, 'The majesty of the divine order, its conformity with wisdom, the identity of its object with good in itself, the satisfaction it provides to the noblest and most refined feelings, the moral values which its application is destined to bring to the soul, the glorious outcome in this world and the next – everything comes together to establish the authority of Qur'anic duty.'

This way of presenting the law still leaves the question of whether the same motives which the Legislator used to justify and sanction His commands could justifiably be used by man as the determining principles of his will to obey. When it is a matter of making a moral decision, are we entitled to draw our inclinations indiscriminately from any of these sources, and others as well? This is the question that was asked earlier and whose solution we have reserved for this chapter. We are now in a position to say, with texts in hand, what it is. Out of all these arguments offered to the intellect, the Qur'an selects only one point which is given to the obedient will as its sole valid objective, as a unique principle from which it must draw its inspiration when acting: *Act with God as your single aim*. This is the theme to which the Qur'an returns in various passages and nearly always in the same terms. Nowhere do we find a conclusive expression like: 'Do this for that', where the direct aim is another interest, whether personal or general, physical or moral. No passage suggests physical benefit as either a principal or complementary aim. What is even more remarkable is that the highest moral good sought by the wise, which is inner perfection and dedication to others, appears only as a secondary value in the realm of intention, as an addition subordinated to the supreme

principle: the satisfaction of God's high command. What remains, therefore, to be granted to human nature in the field of moral values?

- Nothing. Is there no exception to be made for pursuit of the promised salvation and happiness?
- None. But what about the controversy on this topic between extremists and moderates?
- This controversy only really concerns a subsidiary aspect of the question, which does not diminish the categorical nature of our conclusion in any way. For some, it is worthless and a loss of value, for others a platitude and a non-value. Those who seek superior, enduring values in preference to ephemeral pleasures know, moreover, the conditions that must be fulfilled: places are reserved for hearts that are pure and turned towards God.

It is therefore not enough for an enlightened activity, conscious of itself and its relationship to the law, attentive to the divine command as a pattern that is to be followed, to allow itself to be driven by another principle that is alien to it. This activity must be inspired, guided and moved by the same majestic command. From an idea that is simply contemplated, this command must become a motivating force; light must be transformed into power; the immediate object must also be the ultimate aim. We have begun this study of the moral life with the notion of duty as the *immediate object*: this is the stage of *validity* and with it as the *ultimate aim* we arrive at the summit of value.

Kant was right on this point, but he only reproduced the point of view of religious ethics whilst stripping it of its vital substance.



## EFFORT

Having sufficiently distinguished two irreducible elements in moral action, *intention and action*, and having defined the double role of *intention*,<sup>1</sup> it remains for us to elucidate the very special importance of the second element in the conquest of virtue: *action*, a unique weapon which is both defensive and offensive. Whether it is a moral decision to be taken or executed, or the intimate trait of a character to be improved, or even an intention to be purified, the only help available to man to reach these goals, as well as it being his sole duty, are his moral and physical powers, which are able take him there.

It would have been both fruitless and unreasonable to exercise effort in trying to acquire virtue if the human soul had had a complete and accomplished nature, or if, defective as it is, it was incapable of evolving. The necessity for our active intervention therefore comprises a double postulate, namely, that the moral being was created both imperfect and perfectible, like a seed enclosing all the elements of its entire being, both virtually and potentially encapsulating all the conditions for its development, which waits for the appearance of one free, voluntary action to transform these virtual possibilities into an effective reality.

With the following points, the Qur'an has amply demonstrated that this is the case for moral beings. On one hand, although man is born without any rational or physical knowledge, he has been granted faculties which can enable him to acquire it.<sup>2</sup> As soon as the soul is formed, notions of *good and evil* are breathed into it.<sup>3</sup> Here are a number of ways which the human soul can call upon, and through which it is able to envisage the ideal to be pursued; to experience the desire to reach it and the determination to attain it. Nevertheless, on the other hand, despite all these facilities being at its disposal, it remains just as likely to rise as to fall back, to blossom as to wilt, through the action of its own will.<sup>4</sup> Hence the moral necessity to *act and to bear one's responsibility*.<sup>5</sup>

The concept of *effort*, however, is not defined by *action in general*, but by a *particularly energetic action* whose object is 'either to resist a power, or conquer opposition'.<sup>6</sup> This definition was originally understood in the physical sense, but must also be extended to the moral sense. The analogy between the two domains is striking. On the path of the benevolent creation, the mind most

often meets two obstacles within the object and within itself: inertia towards the issue that needs to be modified, and a lack of energy in the creative will. It is the same when one must resist evil in the face of the powers which entice us. In all cases, it is not enough to act: we must *fight with strength and perseverance*.

Our physical and material existence involves a continuous struggle against all kinds of evils which one meets on the path of life, until death;<sup>7</sup> the Qur'an emphasises that this is the condition of human nature,<sup>8</sup> but beyond such *natural* effort determined by instinct, there is another effort, required by *reason* which must be put to serve an *ideal*. Such is the type of effort we mean to examine within Islamic ethics.

Firstly, we say that the demand for this great application of moral energy is one of the most frequently made in the Qur'an. On every page it extends this appeal to a sustained, ongoing struggle, either to perform good and resist passion, or to endure evils and master one's anger, or to put our religious duties into practice. It is true that God does not impose a burden on us which is beyond our means, but He exhorts us to obey *with all our strength*.<sup>9</sup>

Performing this activity on the upward path of moral progress is what, in an excellent metaphorical comparison, the Qur'an calls: 'to climb the steep ascent'.<sup>10</sup> Not only does it ceaselessly encourage people to make this ascent, but it goes so far as to make this notion of effort part of the very definition of sincere faith:

*The true believers are those who have faith in Allāh and His Messenger and leave all doubt behind, those who have struggled with their possessions and their persons in the way of Allāh. Such are the sincere.* 49:15

Can we place the value of moral effort any higher?

Nevertheless, we cannot be satisfied with these generalities. Dialectical thought, full of clarity and precision, cannot consider such a categorical affirmation without searching for some opposition to it and attempting a conciliation which allows things to be put in their proper place. In order to do this, we are going to examine the following points:

- 1) Does the value of effort exclude spontaneity? Under what condition?
- 2) What part does physical effort share in that value?
- 3) When effort is called for, is it limited?

#### 1 Effort and spontaneity

'Man becomes proud in everything that requires effort', wrote Ségur.<sup>11</sup>

This natural tendency to exalt the spirit of striving and sacrifice – a legitimate tendency in certain conditions and to a certain degree – can go as far as making it an end and a value in itself. Should one reject such a point of view? The energy which is only expended for its own sake is really just a game.

Any serious effort presupposes an object that is distinct from itself, to which it attributes some value and which it proposes to pursue because of the very value it places on it. It is from its relationship to the *desired object* that effort acquires its value, which is that of a *mediator*.

More particularly, effort only has a moral value when it is a means of producing something which is morally good. The idea that exalts effort, insofar as it is an expression of a vital dynamism that is equally helpful or harmful – *idhā anta lam tanfa° fa-ḍurr* – is an idea of blind instinct, not of the enlightened conscience. If the effort of a criminal were ever to be morally assessed as a creative force, it would only be because the object to which the act is applied were not taken into account, and because of the possibility that it might be applied to another object, through which it might put itself at the service of virtue.

Two *philosophical attitudes* have shown their tendency to overestimate this type of moral effort. Even if they do not draw their inspiration from the principle we have just rejected, namely, that effort is valuable in itself, they nevertheless posit its practical equivalent.

Placing oneself at the existential level, the *first attitude* maintains that the human soul is incapable of obeying moral law willingly and out of love. As victory over evil must always entail making a sacrifice and necessitate self-mastery, the struggle will always and everywhere be a condition of virtue, the only way to acquire a moral life. In his *Religion dans les limites de la Raison*, Kant enjoyed quoting the saying of Saint Paul: 'As it is written, no one is just, not even one.'<sup>12</sup> Some lines in his *Critique* also display similar pessimism. 'The moral level at which man is placed . . . is respect for the moral law . . . and the moral state in which he can always be is virtue, meaning to say the moral intention in the *struggle*, and not the *sanctity* in possessing it.' It would be 'a frivolous, superficial and fantastical way of thinking' to attribute to the mind 'a spontaneous goodness . . . which would not need any encouragement or restraint'.<sup>13</sup> Other words, however, reveal that he has a less radical and more reasonable scepticism. He only denies that a creature can accomplish 'every law' so willingly 'that not even once is there the possibility of the desire to avoid doing so'.<sup>14</sup> He even seems to allow for the possibility that 'respectful fear . . . may change into inclination, and respect into love: this would at least be the perfection of an intention dedicated to the law, if it were ever given to a creature to attain it'.<sup>15</sup>

The *second philosophical attitude* does not go so far as to deny categorically man's capacity for kindly and eagerly fulfilling some duty, but an action performed in these conditions would be, according to him, less meritorious and valuable. There is therefore such a close connection between the two notions of effort and moral value that the strength of their commensurability can be written in the form of an equation: the existence or absence of one of them, or its increase or decrease, will inevitably lead to the same for the other, and in the same proportion.



There is no doubt that, to the extent that conformity to the rule is attained at the cost of a considerable tension of the will, any effort that is spared will be equivalent to a proportionate loss of merit. Is it the same for the opposite case, where the moral strength of the subject allows him to perform his obligations easily? Muslim moralists disagree on that point. Among those who answer in the affirmative, one can name the disciples of Abū Sulayman al-Dārānī, whereas the scholars of Basra maintain completely the opposite theory.<sup>16</sup> If we consult the common conscience, we cannot fail to see the same opposition and the same hesitation.

Is there not at the heart of this confusion an antinomy within moral thought itself, a contradiction between two ways of judging, which both seem equally legitimate? Are not talent, nobility of character and the greatness and purity of the soul considered by everyone as esteemed and admirable qualities? By comparing these natural qualities with those that are acquired through hard work, do we do not contrast those that are solid with those that are fragile, those that are stable with those that are precarious? Who would hesitate to say on which side one should place one's trust? Between two artists, one who uses elegant and spontaneous brushstrokes, the other achieving the same only through suffering and perspiration, we clearly distinguish the excellence and the mediocrity of their respective characters, and we will always prefer the natural to the artificial. On the other hand, we consider that the saying 'to everyone according to their works' is not only just, but indeed the very definition of justice. Who does not see that innate qualities which nature has bestowed on us are not our own work? To measure things by this standard, should we not reserve all value for effort and exclude whatever is spontaneous? Are we then to say that a saint's soul is to be placed at the lowest degree on the scale of merit? Who could accept this? With what antinomy must we choose sides or seek a balance?

To tell the truth, at no stage in a moral life is virtue the fruit of a pure nature, nor is it completely acquired. In the most wicked person there is a seed of goodness which he can use to fight against his bad character, and the purest soul never climbs the ranks of merit without some effort. The French language has established this dual criterion of value by calling any quality worthy of esteem a *mérite*, whether it is innate or acquired, like beauty or riches.

We simply have to accept that everybody has different degrees of both factors of virtue; it must also be noted that neither the object of their struggle, nor the form in which their moral effort is made are the same for all. Here, it is appropriate to go more deeply into the subject in order to uncover the formulation that might reconcile our different moral judgements. We believe that we can find the key to the solution in the distinction that the Qur'an seems to establish between two kinds of effort, one called 'eliminary effort', the other 'creative effort'.

### *A Eliminary effort*

We understand *eliminary effort* to mean the operation through which we oppose bad inclinations which tempt us to do evil, with a force of resistance which is strong enough to eliminate their influence.

Nobody would deny the necessity of such an operation every time we are faced with an enemy power which is about to defeat us. At that moment, the first duty, the most urgent task, is to suppress our passions. The Qur'an repeatedly calls us to make this resistance. In the Qur'an, a glorious destination is reserved for those who can conquer their desires:

*When the Great Calamity comes: that Day man will remember for what he has striven and the Blazing Fire will be displayed for all who can see. As for him who overstepped the bounds and preferred the life of the world, the Blazing Fire will be his refuge. But as for him who feared the meeting with his Lord and restrained his lower self, the Garden will be his refuge.*

79:34-41

Regarding practical precepts, we mention, among others, the imposition of absolute fasting during the day for one twelfth of the year, and in several other circumstances outside of this obligatory period. This is undoubtedly an excellent exercise for breaking the servitude to the senses.

Is this victory always so costly that it requires of us such a difficult sacrifice? In contrast to the excessive pessimism that sees the moral life in a bad light, and evil as an inexorable part of human nature, we answer that this is not always the case.

Of course we do not mean to talk of an *angelic nature*, for which the problem of evil does not arise, since it is impossible for such a nature to do anything but good. Nor do we speak of the case of a *sick person*, who completely lacks the physical energy for such evil, or the usual taste for such pleasure. *Supramoral* or *amoral*, these two cases are excluded. Now, remaining within the bounds of a complete human nature, which is endowed with instincts and reason, we observe in many people a certain spontaneity in making benevolent decisions, to different degrees, which go either higher or lower, in the sense that such decisions do not seem to be actually opposed by evil inclinations. This is not only when the matter concerns a banal or insignificant decision, but more importantly, the determination that requires a great effort of ordinary people is put into effect with a gentle and effortless action.

This kind of spontaneity can happen in two ways: either it is caused by a *natural disposition*, or it is the victory of a long and painful effort. In the first case, passions are repressed to a scarcely conscious level, and the idea of good occupies a privileged position within the soul, so that a virtuous action becomes an object of love and joy. This sublime state to which morality tends is that of the great saints, who arrive in this world as if straight from the hands of the Creator, in particular the Apostles who were destined from the beginning to fulfil a divine mission:

*Allāh knows best where He wishes to place His mission.*

6:124

In the second case, things happen in this way only with the utmost effort and as the result of a personal struggle which is often renewed. Not only is it a kind of law by which the application of a faculty in some sense also nourishes that very same faculty, but God intervenes through positive assistance in order to guide those who earnestly seek the right path:

*As for those who struggle in Our Way, We will guide them to Our paths.*

29:69

And we read in a *ḥadīth qudsī*: 'My true servant never ceases to approach me through supererogatory actions until I love him. As soon as I love him, I become the ears through which he hears and the eyes through which he sees.'<sup>17</sup>

However, do we not see a similar state with the average man who is below that level? When we have become accustomed to stopping at a temptation, either in order to reflect how unworthy it is of a reasonable being, or to envisage its unpleasant consequences, and when these considerations or these values invade our imagination and penetrate our heart, do we not feel within ourselves a certain living force which had remained unnoticed until now and which henceforth helps us to keep away from evil? The process is always the same, whether it is a saint borne by *love*, or an ordinary person supported by *reason*, or the common man held back by *fear*, or attracted by *hope*, except for the specific difference between noble ideas and feelings. From one case to another, the will is equipped by different engines which help it to fly, so that the decision happens faster, more easily, and the effort is reduced in the same proportion.

It is not that there is no more conflict. It may be said that it remains even in limited cases. It is at least what stands out in the texts we are going to examine.

The two forces facing each other are not of equal strength. Certainly, according to the general rule:

*the self indeed commands to evil except for where my Lord has mercy*

12:53

The Prophet said, 'Everyone is shadowed by a diabolic companion.' 'Even you?' someone asked him. 'Even me', he replied, 'but my Lord has helped me to conquer him and he has submitted.'<sup>18</sup> This is also the case with all true servants of God.

*Satan has no authority over those who believe and put their trust in Allāh.*

16:99

*As for My slaves, you will not have any authority over them.*

17:65

The influence of this evil action experienced by their physical nature is much less pervasive than that which acts upon ordinary people, like the slight darkening produced by the shadow of a passing cloud, which dissipates quickly.<sup>19</sup> The shock that the invitation to evil has upon their souls does not exceed more than the touch of a pinprick on a strong constitution.<sup>20</sup>

It is no less true that even the holiest of men enjoy their full human nature.<sup>21</sup> A *Muslim saint* is not like a *Buddhist sage*, detached from desire, or a *Stoic sage*, who is insensitive to pain, since, by contrast, ours enjoys certain things, while other things repel him. In both cases, as long as his natural or customary inclination does not go against duty, he does not try to oppose it. We are thus told that the Prophet particularly loved honey and sweetmeats,<sup>22</sup> and that vegetables that gave off a bad odour displeased him.<sup>23</sup> Invited once to taste a dish to which he was unaccustomed, he refrained from touching it. 'Is it forbidden to eat it?' somebody asked him. 'No,' he replied, 'but I am not used to it in my country and therefore have no desire for it.'<sup>24</sup> He also happened to joke and laugh, without ever abandoning the truth.<sup>25</sup> At the sight of his little son, who lay in agony, he could not refrain from shedding tears. 'What is the meaning of this, Messenger of God?' Sa'ad asked him. 'It is compassion, and God's mercy is only for the compassionate.'<sup>26</sup> He behaved in the same way when witnessing the death of one of his Companions.<sup>27</sup>

Nevertheless, for him, the most acute and most profound feelings did not come from the common order of things. His concern for people's salvation and the pain that he felt on witnessing their going astray had a greater effect on his soul.<sup>28</sup> Likewise, he yearned for higher values. He told us himself: 'The most profound joy I have been given is what I experience in prayer.'<sup>29</sup>

Islamic sanctity does not consist in absolute indifference to human nature, but in a particularly accentuated preference for spiritual values. Also, when describing the true believers, the Qur'an does not say that they love God alone, but that:

*they love Allāh above all else*

2:165

In positing the problem of effort and spontaneity, there is no need to take a case where forces contrary to duty are completely destroyed. It is enough to start with the fact that there is inequality between antagonistic forces; the slightest superiority of the favourable feeling must be moderated in proportion to the weight of obligation and the sacrifice that demands great effort. The Qur'an itself has noted this. Having strongly urged us to resort to patience and prayer, it says:

*that is very hard, except for the humble*

2:45

In a conflict in which such forces are so disproportionately opposed, it is not difficult to see a victory approaching, or which is present already in its

outlines. We only say *in its outlines*, because it does not concern one particular action which has become crystallised, to which one might abandon oneself in an immediate and mechanical fashion should the occasion arise; it concerns a direction indicated schematically by the most cultivated and developed tendency.

So what is the value of an action performed in the conditions that we have described? It is an action which is neither purely spontaneous, nor entirely controlled; it is a product of two combined forces, the nature and the personality, as must happen in all human endeavours, with all the variations that this entails. But must personal merit decrease to the degree that the nature's contribution increases? This is the question.

There is one case where it would be absurd to answer in the affirmative: it is the case of the average man who is in the process of progressing, for whom the flexibility of his nature is itself a victory of the will. We will therefore start with this case.

If we underestimate the moral action which has become relatively easier, do we not fail to recognise the actual effort that has contributed to the best of these results? It has often been mentioned that the purpose of struggling does not reside in the struggle itself, but in the resulting victory.

This victory must not be understood in an occasional or accidental sense. When I struggle against temptation for the first time and I succeed in evading it, it is not sufficient reason gloriously to attribute to myself the title of conqueror. Who knows whether chance did not play some part in it? As the saying goes: one swallow does not make a summer. It is without doubt for this reason that Aristotle classifies virtue in the category of habits. We must therefore allow for circumstances to change and occasions to arise in various forms. If I attain the same victory, then I will be able to rejoice, but still not completely, for, if I must call upon the same resources every time and face the same difficulties in order to make sure that I keep to moral behaviour, it can be seen that the rebellious character of my nature remains intact, and is revealed to be incapable of evolving.

The classic example of a child who tries hard to push a ball under water gives us a full picture of these attempts which are repeated again and again, and never progress. The poor thing may well persevere in pushing the ball under, but the ball will keep bobbing back up as soon as he lets go, unless it is punctured or weighted down. It is no exaggeration to stress that the aim of the moral cure given to us by Muslim mystics is precisely to eliminate the necessity of this perseverance, in order to achieve a certain degree of inner equilibrium, or to attain that as much as possible. Among the many examples is one provided for us by the following passage in which Abū Muḥammad Murta<sup>°</sup>ish inwardly examines himself. On his yearly pilgrimages, this mystic used to impose all sorts of penances upon himself: he would endure hunger and fatigue without feeling any inner struggle. He was ready to conclude that he had completed mastering his natural inclinations when one insignificant

event opened his eyes: his mother happened to ask him to fetch water in a container, which he felt to be a burdensome task. Our devotee then denounced all his previous exertions as being determined only by a superficial, impure docility. His task was not yet over.<sup>30</sup>

*The aim of effort is therefore to lessen effort.* The greatest advantage that we draw from it is that it makes us more and more independent of it, according to the degree that it familiarises us with the task to which it must be applied, not through a habit conceived in its static form, which excludes all initiative, but as a dynamic source which grows as we apply it, which modifies itself as it modifies the object, and which enables us to master any situation in the most varied and unexpected circumstances. Our struggle must be interiorised, rooted within us, transformed into an internal characteristic and become like second nature. At this cost only can we talk of possessing morality, rather than seeking it.

Let us note that these two stages of struggle and victory, or more generally of external help and spontaneous effort, are rendered in the Arabic language in two different and very meaningful forms of the same root: *khuluq* and *takhalluq*. The word *khuluq*, or morality in the proper sense of the word, designates the faculty, whether innate or acquired, through which behaviour spontaneously proceeds. In other words, *khuluq* is the stable form of our inner being, as opposed to *khalq*, which is the external form given by God to every creature. As long as we have not achieved this stability, due to which actions spring forward with a spirit of generosity and spontaneity, one is in a state of *takhalluq*, which is of attempting and trying to behave in a particular way. In this form, the term is often used in a pejorative sense, implying artifice and affectation. Considering the definition of these words, one sees where the superior values are placed.

It is the same for action as it is for knowledge. In order to act, just as to judge, we must have *capital* from which we can draw. If the seeker of truth does not possess a system of primary principles and general laws, and as long as he cannot apprehend or direct his search, his work is going to take longer and be more difficult. Are we correct to say that the longer it takes us, the more learned we are? I presume that no one would agree with this; but then, should we not also define the most virtuous person as the one who possesses a range of inner means, capable of instantly silencing the voice of passion, and making the right decision in the quickest and most confident way?

To support the opposite theory, which defines the most moral action as that which is performed through the greatest effort, would be to remain oddly attached to the primitive stage at which man struggles through a mass of crude, unrefined feelings, against which he can only defend himself by making a vigorous effort of the most desperate kind. This primitive stage, which our most incisive moralists<sup>31</sup> have seen only as a passing phase that is likely to be removed and replaced by its opposite, will clearly only be taken as *canonical* and as a *universal measure* of value. Otherwise, according to this, the most

excellent moral life would belong not only to beginners and apprentices, but even more so to wicked and perverted people. Our model would be the person who cannot decide to behave honestly except by inflicting a kind of contortion upon his nature, and forcing himself to act against his will. This point of view is the very opposite of what the Qur'an seems to adopt. We have seen how strongly it stigmatised and condemned those who did not perform their duty joyously and willingly, who only came to prayer lazily and gave to the poor much against their own desire.<sup>32</sup> Aristotle was right in saying that he who does not enjoy performing good deeds is not really a good person.

Up to now we have considered the case where a generous and benevolent character is not a gift of nature, but a victory of effort. The action performed after this alteration, even if it is without any great actual resistance, is the price of resistance accumulated in the past. We maintain that the action performed in these conditions must be ascribed to personal merit. The spontaneity engendered by effort does not oppose this, but recalls it from its own origin. It simply carries it through, crowning it as its end and means.

Some will object that in reasoning like this we present the human will as if it had an all-powerful, transformative effect upon the moral being, notwithstanding all the other factors favourable to its alteration, even independently of divine grace. Not at all, we reply; this would be to fall into the gross error of causing much confusion in the explanation of Qur'anic ethics. The time has come to speak explicitly about that which we have implied in our hypothesis. Therefore we shall say a word about the intervention of the transcendent factor, as it appears in the Qur'an and the *ḥadīth*. Most often, it is presented to us as if it plays a clearly defined role in the formation of the moral character. It is given in the guise of a human effort which has just begun or has already been achieved. It occurs after human effort, either to assist and uphold it, or to make it bear fruit and succeed. This is what God tells us:

*As for those who struggle in Our Way, We will guide them to Our Paths.* 29: 69

*Those who walk aright He increases in guidance and gives them their protection.* 47:18

*But as for those who believe and do good deeds, Allāh will guide them by their faith.* 10:9

Therefore there is always something which comes firstly from us. In order to receive the light, man must begin to search for it and open himself to it, and must show his need, with upheld hands, taking some steps forward. 'The one who makes an effort to master his desires, God makes him moderate, pure and chaste. He who tries hard to content himself with what he has and ignores what he does not have, God will give him the equivalent of riches. He who attempts to have patience and endurance, God will grant them to him.'<sup>33</sup> Although divine succour is conditional upon human effort, it does not retain

any less of its value; the peace and calm which follow victory do not remove any of its worth.

It is true that in some passages, the Qur'an does not mention this connection between the condition and what is conditional. At times, it makes no allusion to human initiative; and, when it tells about the plenary conversion of the elect, it presents it as if it is due to a free favour coming directly from divine grace. Thus we read:

*When Allāh desires to guide someone, He opens his heart to Islam. When He desires to misguide someone, He constricts his heart, narrowed, as if he were trying to climb up to the sky.* 6:125

As for the true believers:

*Allāh has written faith upon their hearts and strengthened them with a Spirit from Him.* 58:22

*It is He who sent down serenity into the hearts of the believers.* 48:4

*Allāh has endeared faith to you and beautified it in your hearts, and has made disbelief and lewdness and disobedience hateful to you.* 49:7

The omission of a detail is not necessarily a negation, and to judge by several of these passages, this celestial favour is promised as something which is destined to reward a favourable attitude that people have already shown.

*He knew what was in their hearts and sent down serenity upon them.* 48:18

*It is He Who sent down serenity into the hearts of the believers, that they might add faith to their faith.* 48:4

So there was already faith to strengthen and favourable thoughts to reward.

We are not claiming that the human deed comes absolutely first. It is only too evident that our physical, psychological and social being precedes our actual moral being. In the depths of this moral being, virtual activities precede and prepare the conscious performance. We even say that for well-disposed souls there is a sort of positive celestial assistance, an excess of power which removes from them the greatest part of the resistance needed to be made against evil tendencies.

In order to go to the logical conclusion of the opposite theory, we will return to the previous case. Let us therefore suppose that these texts are meant for privileged souls; that the power these souls have acquired was not partially due to their voluntary struggle and participation. We agree with the Qur'an that through their favourable attitude towards piety they:



*were the most worthy and suitable*

48:26

and that they were positively indebted to:

*the grace and generosity of Allāh*

49:8

So the question may be asked: what remains of their merit? How is one to explain the fact that the Qur'an spares no praise in addressing them, nor any beautiful promise reserved for them?

It is here that the clearest *antinomy* between *effort* and *spontaneity* appears at its most striking.

Those who favour the intrinsic, unconditional value of effort would perhaps like to moderate the rigidity of their theory and propose a compromise with us. They will tell us that the absence of effort in extinguishing passion does not lessen morality, provided that the effort should remain ready to combat other forceful passions. They may also tell us that only at the end, when all evil tendencies are defeated, will there no longer be any place for *morality* and that it will give way to *sanctity*.

This solution does not seem very satisfying. In the first place, not only do the texts not make a distinction between a soul which is spared from this struggle completely and one which is only partially so, but they also seem to accord the highest value to those who are repulsed and disgusted by all vices.<sup>34</sup> Also, the new formulation, however moderated, is not least inspired by the same paradoxical principle that has been founded upon the old one. One always sees the uncultured aspect of the soul: there is only morality to the extent that there remains some evil to be defeated. Morality and defensive effort are closely linked, if not identified with each other, but our solution is something quite different.

On one hand, we accept the universal meaning of these texts. However great the victory is and whatever its cause, we believe that it adds far greater value to a soul which has rid itself of its malice than to one which is permanently struggling with the persistent temptations of evil. Far from being equivalent to the difficulty of the struggle, our status increases to the extent that the difficulty is diminished. The true equation for us is the one which establishes the reverse ratio between worth and the necessity for concerted effort; value is linked not to an increase, but rather to a decrease in that necessity.

On the other hand, the circle of morality is not closed after this victory. Instead of associating it with just one aspect of our activity, we give it a kind of *dual purpose*, the second of which is the more precious. After the struggle against darkness, there is the struggle in the light. Each conquered passion is an obstacle that has been removed, a yoke that has been lifted, a greater degree of freedom and development. As soon as the good will is no longer challenged by its enemy, and strenuous effort is no longer needed, another

*effort arises and is prescribed.* The time and energy which had to be devoted to the work of *demolition* and *clearing away* can now be used more fully, without being frittered away, for work which is *productive and constructive*. Morality has sometimes been defined as 'the art of conquering one's passions'. This definition is inadequate. It refers only to the negative and less valuable aspect of the work. We might even say that it is just a preparatory phase. Morality in the full sense of the word is also and above all an enterprise designed to actualise positive values. Its original meaning is not 'to refrain from evil', but 'to do good'. It is only occasionally, and through misfortune, that we find ourselves obliged to direct our attack against the enemy, which tries to distract our attention from our essential goal. In order to demonstrate this, one only has to look at the following hierarchy of Islamic commands:

The Prophet said, 'All Muslims must practise charitable works.' 'What if they cannot?' asked those who were listening. 'Let them work ... for their own benefit and also in order to do acts of generosity.' 'What if they cannot?' 'Let them come to the aid of anyone in urgent need.' 'What if they do not?' 'Let them exhort people to good (or virtue).' 'What if they do not?' 'Let them refrain from evil; for it will be counted for them as an act of charity.'<sup>35</sup>

Elsewhere, it is common to compare morality to medicine, one being for the soul what the other is for the body. The art of medicine is not meant to treat only the pathological state of the organism in order to restore it to health; it is just as occupied, and more rightly so, with the normal state of health, in order to preserve and improve it. A similar role must be reserved for the medicine of the soul: it must give our innermost being its nourishment and a way of life that is the most favourable for its development.

So, after *eliminary effort* comes *creative effort*. Having defined the position of the Qur'an with regard to the former, we must now see what it is with regard to the latter.

### *B Creative effort*

Let us now suppose that we have eliminated one, or several, or all of our evil inclinations. We have thus achieved some progress. To the degree that it is rid of weeds, our field of action is ready to be cultivated. It must not be assumed, however, that it is ready immediately, since to eliminate a bad tendency is not necessarily to create a good one: still we must not remain in a state of indifference and passivity towards our own field. Having taken out the weeds, we must sow new seeds. Adopting a neutral attitude in this regard would be to take an anti-moral position.

Let us even suppose that serious good inclinations are now of the greatest importance to us. This is undoubtedly a first step, which makes us more apt to be moral, but we have not yet reached the realm of morality itself. At this stage, good seems to us to be desirable or preferable, but we have not left the realm of personal inclination. Now, to *incline* and to *want* are two different matters. The first moral act is that of the will; not only to will good as a general

concept, with all the confusions and indeterminacies that general statements usually entail, but to will a *precise, particular good*, which is defined by its quality, quantity, its means, its end, its time and its place.

But in which sense can one speak here of energetic action? Well, in *three senses*.

In the *first place*, it is a *serious quest*, excluding all slackness, for the concrete solution which it is to adopt. We cannot entrust the task of defining the object of our will either to the events of the external world, or to the impulses of our inner nature. Our moral role is not that of a spectator watching what is happening in front of us, or within us; neither is it to allow ourselves to be controlled like puppets by our strongest reactions or feelings. On the contrary, we must place ourselves above all the data, both internal and external, and survey all the possible solutions, to make our clear, informed choice. This is the proper part to be played by the human being, as a relatively free and independent agent. Even if we opt for one proposed solution without modifying it in any way, it is in ratifying it, in imprinting our personality upon it – in short, it is in making it ours that we deserve to be called the moral agents of our actions. Besides the many passages which remind us of our particular duties, the Qur'an has not failed to underline the importance of this general duty, which underpins all the others. Using the intransitive form of the verb 'to act', it appeals to our greatest effort, and it makes repeated exhortations to this effect.

*Act, for Allāh will see your actions.*

9:105

*How excellent is the reward for those who act.*

3:136; 29:58; 39:74

Lazy fatalism is the number one enemy of Islamic ethics. We are informed of this subject by the following event, reported by two great traditionalists. During a burial, the Prophet reminded his Companions to believe in the destiny which has been written. 'If that is the case,' they asked him, 'can we leave ourselves to our destiny (without acting)?' 'No,' answered the Prophet, 'act, because in this way everyone will be led to their destiny.'<sup>36</sup> And to reinforce his answer, he quoted the words of the Qur'an.<sup>37</sup>

This preliminary degree of effort is absolutely indispensable to morality; it constitutes its essence and substance. He who places himself even one degree below it abdicates and renounces his human dignity. To quote an opportune remark of the Prophet, we say that the absence of this elementary degree is not just called weakness, but a real 'infirmity'.<sup>38</sup>

Creative effort also has a *second meaning*, which consists not in any voluntary choice, but in a *good choice*. Undoubtedly, if, according to the hypothesis, our quest is already oriented towards good, any solutions may appear to be good. However, not everything that aims towards something good is necessarily good in itself. The legitimacy of the end does not exempt

the legitimacy of the means. In order for the chosen solution to be accepted, it is not sufficient for it to aim for good, it must also, in its very structure, be inspired by the law and conform to its rules. It can be that one solution is too satisfactory, while another is not enough, to be considered good.

Let us take the example of *charity*. As far as one takes the word in its general meaning, nothing is clearer, or more common to every conscience, but as soon as one comes to define what everyone intends to do to fulfil this obligation, we find the most contradictory definitions. According to the generosity of the donors, the financial assistance that they would like to give to the poor can vary from one simple *penny* to a *gift of their entire wealth*. Moral law, at least Islamically speaking, does not allow things to be so disorderly. It has established limits and measures. Here, it has stipulated that 2.5 per cent of the annual income, and 5 or 10 per cent of crops (depending on the method of irrigation) is the acceptable minimum to be given for relief work. There, it has fixed one third of the total amount of wealth as the maximum that someone has the right to give away in his final testament, besides that which is due to his legal heirs. The duty of the believer is thus defined: to avoid two forbidden extremes, neither to satisfy oneself with giving a sum that is less than the prescribed minimum, nor to exceed the permitted maximum.

Here are the quantitative considerations; elsewhere are considerations touching upon quality, destination, time, place . . . as well as structural or circumstantial conditions which must be fulfilled before they can constitute what Islamic ethics considers a good choice. If there is an action in which one of these essential elements is missing, it is therefore considered irregular.

Perhaps one may find some infringement upon the individual conscience in these regulations, not allowing it its freedom of choice. We shall see shortly the space that is left for choice, but, without ignoring the restricted framework for the acceptable minimum, it can be seen that the ruling has not solved everything and indeed never can do. Thus, to return to the same example, it remains for us to choose those who are really entitled to our aid; the way in which to give to them (for example, whether in public or secretly); and also to consider the quality of our gift, especially if it is in the form of goods. In brief, as we proceed towards concrete experience, an alternative always presents itself to our choice, without exceeding the strict limits of duty.

Let us now consider the *third degree* of effort. When several solutions to a moral problem appear, it often happens that they are not all equally good. There are some which justly fulfil the conditions of an elementary duty; there are others which are more or less meritorious. The *quest for the best* consists of creative effort in its third degree. Is this quest for the *best* demanded by Qur'anic ethics in as plain a manner as the quest for the *good*? We cannot say no. The Qur'an never ceases to encourage the believers to make this kind of effort:

*So give good news to My slaves. Those who hear my words and follow the best of them, they are the ones whom Allāh has guided, they are the people of intelligence* 39:17–18

*Follow the best that has been sent down to you from your Lord* 39:55

*So compete with each other in doing good* 5:48

*And those in front . . . these will be the ones brought nearest to Allāh* 56:10–11

which seems to mean: those who have moral superiority on earth will be the first to be received in Heaven. Finally, we read in an authentic saying of the Prophet: 'God . . . loves nobility in people's behaviour and hates baseness.'<sup>39</sup>

One concrete example in this order of ideas is provided for us by a well-known historical fact. We know the circumstances in which the decision was taken by the Prophet and his Companions to take their revenge for the first time on the Meccan idolaters, who not only had forced the Muslims to flee their country and looted their goods and abandoned homes, but had continued to persecute the weak who were not able to flee. Two means were available to the Muslims exiled in Medina to relieve their brothers left in Mecca and to break the pride of their aggressors: either to intercept their caravan of merchandise coming back from Syria, or to go unexpectedly to meet their forces, which were three times more numerous and much better-armed, and which were already marching against them. The Prophet consulted his Companions and said, 'God has promised me victory against one of the two groups that you choose.' At first, the general consensus seemed to favour the least dangerous and most advantageous solution. However, God wanted the most effective and noblest in order to show the difference between truth and falsehood, which is what happened.<sup>40</sup>

And so, through a hierarchy of actions, the Qur'an encourages the believers to seek those that are at the highest and most vigorous level. The issue which now arises is this: at which point is this highest level of effort required? Is it as demanding as the previous two? Yes, no doubt, when a superior value is at stake and when there is no other way for people to preserve it but to fight for it with all their might and use all their resources. As we have seen, the best proof of faith is the sacrifice which is freely made, the gift of one's very life, for the value which transcends it.

In ordinary circumstances, however, can we give a positive response? We do not think so. Firstly, this will leave out the notion that there are degrees in our moral assessments. The field of action will become so narrow that there will only be room for one single action, which is hardly different from those that are greater or lesser. The generous effort that stops short of exhaustion will be as affected by immorality as any average, lazy, or mediocre action. Furthermore, virtue itself will be a chimerical concept, existing only in the

world of myth: for if what we call the 'best possible' were the extreme limit of human power, it would inevitably be confused with the superhuman, or rather the inhuman. In order to be sure of using all one's resources, the only proof would be to commit suicide in expending them. One can see at what absurdity such a theory arrives.

The Qur'anic position is completely different. On one hand, it situates the notion of self-perfection between excessive obstinacy and average effort. On the other, while it encourages everyone to strive for the best, it justifies and envelops all sincere people with mercy, from the weakest to the strongest. Thus, after making a distinction between the fighter who sacrifices his goods and his own self and the man who stays behind, and after it declares the superiority of the former, it immediately brings this qualification:

*Allāh has promised good to both.*

4:95

The same comparison with the same qualification is made between two people who spend their wealth, one who begins to spend in difficult circumstances and the other who comes along afterwards when the difficulties have diminished.<sup>41</sup> A general law can then be deduced, which the Prophet stated in these terms: 'An energetic believer is more worthy and more pleasing to God than a believer who lacks energy, but both have a share of goodness.'<sup>42</sup> It is easy to comprehend why there is this change of tone. Just now, when it was a matter of a complete absence of energy, of a languid slackness, the interdiction was formal and the blame was severe. As it is a matter here of the least evil, of a relative weakness, the indulgence is both legitimate and opportune.

This principle of gradation, implied in numerous texts, has driven Islamic moralists and jurists to compose a hierarchy of the notions of good and evil, in a way which establishes two principal categories for each of them. A good action may thus be either strictly obligatory or only preferable and meritorious. Its opposite will be either formally forbidden or simply reprehensible and not recommended. We are now in the process of answering the question previously asked.

Using this commonly accepted terminology, we say firstly that the search for the very best is considered absolutely obligatory as soon as it goes beyond the area clearly assigned for each duty, to enter the category of the supererogatory good. We know the case of the Bedouin who came specifically to be taught the preliminary duties of Islam. Once informed he went on his way, saying: 'I swear by God that I shall do neither less nor more.' The Prophet said, 'If he fulfils his promise, he will obtain salvation.'<sup>43</sup>

We would also like to say that the term *best* must not be understood in the superlative, but in the comparative sense. The level to which each person's effort is required to be applied is not the ultimate degree, but extends to everything which is placed above obligation in the narrow sense of the word. By this generous extension in which everyone can compete, everyone is

encouraged to raise themselves gradually from one level to another according to their potential and in harmony with their other obligations.

This twofold statement contributes to highlighting the merciful character of these ethics. It adds a new aspect to that which we outlined earlier.<sup>44</sup> We can now summarise: *a voluntary choice, a good choice, a better choice* – these are the three elements of which creative effort, in the full sense of the word, is composed. The first constitutes the essence of morality in general; the second provides everyone with ethics that are particular to their specific differences, by considering their respective rules, and the third makes a complete and perfect whole of the first two.

If most ethical systems are founded upon a single ruling principle, either duty or good, Qur'anic ethics is both an ethics of *duty* and an ethics of *good*. If we suppose that effort in the full sense of the word is borne by mankind, this ethics does not appear to be inflexible with regard to the first two elements. The *demand* for the superior degree becomes an *exhortation* and an *encouragement*.

It can now be seen how it becomes possible to make the three stages of creative effort correspond to a scale of progressive moral values. The parallelism (between intensity of effort and progression in value) which we refuted with regard to eliminatory effort, we now readily accept with regard to productive effort, but as the increase of the latter is naturally favoured by the legitimate decrease of the former, our two conclusions agree and mutually confirm one another. Fundamentally, they are only two interpretations of one and the same truth.

The advantage of this conception is that it can help to resolve a certain number of problems. In the first place, it allows us to satisfy the legitimate scruple of the doctrine of 'effort as the condition of all moral value'. This theory is justified by the opinion in virtue of which our conscience finds it difficult to grant saints the merit of that which is not the result of their own action. The principle that it defends is excellent; only its application is bad and based upon one aspect. It only sees the way in which one aspect is compensated by an addition of the other.<sup>45</sup> In fact, what a saint strives for is not so much to avoid the gross sins, to prevent himself from slipping into the lower strata of morality, as to guard against remaining at an average degree of self-perfection, and always to raise himself to superior levels. The morality of the saints is not a struggle; it is rather a life, with all that life bears in the battle for progress. This is why, during the short intervals in which they rest, they feel called to recommence the task. In the Qur'an, this inner call takes on the form of an express invitation to the Prophet:

*When your task is done, start again and strive towards your Lord.*

94:7-8

This shows us that, far from allowing a creature to dispense with its struggle, an infinitely broader perspective opens up to pure souls in which to

apply their effort. Even when one no longer has to fight against inclinations contrary to the law, one will always have to conquer the inertia of matter, to triumph against the weight of nature in order to soar higher and higher into the heavens.

This leads to an *unprecedented* and seemingly paradoxical consequence: instead of placing holiness outside of ethics, it is, on the contrary, a *morality par excellence*. We believe that this is indeed the Qur'anic point of view, since it addresses the Prophet:

*Truly, you have an excellent morality.*

68:4

The second problem which can be resolved in the light of the same principle is the question of knowing whether *holiness* comprises stages too. Provided that all stages are within the framework of perfection, in the greater sense of the word, there is nothing to prevent us from answering in the affirmative. The position of the Qur'an is very clear on this point. Here are some texts:

*Those messengers, some of whom We have caused to excel others.*

2:253

*We favoured some of the prophets above others.*

17:55

At this point we must be careful not to confuse two very distinct notions, although they resemble each other in one aspect: the *less perfect* and the *defective*. Very often the human mind jumps spontaneously between these two notions and may go as far as underestimating persons of integrity, by comparing them with someone else who is more perfect. The Prophet of Islam took great care to warn us against this bad attitude concerning God's messengers.<sup>46</sup> When the Qur'an has the Muslims declare:

*We do not differentiate between any of His messengers*

2:285

such a statement must mean not only a difference relative to the act of faith (belief in some and non-belief in others, as it says in another passage: 4:149–150), but also all distinction carried by a status which is given to some but refused to others. That, we think, is the reason why the Qur'an follows no determined, chronological order in naming the prophets. We thus see that the same name belonging to the same group is not always mentioned in the same place on the list. In our opinion, by referring to them in varying order it eliminates any illusion of an established hierarchy of merit, and the occurrence of any unfavourable attitude towards any of them.

There is *still another problem*, which is to know whether *holiness* is compatible with *sin*. One can answer this question with 'yes' or 'no', depending on the definition of the words. If one understands the word *sin* in its ordinary sense, which means wilful disobedience, it goes without saying that there is no



question of this for the people chosen by Heaven to be our guides. The moral infallibility of these people must be beyond doubt *de jure* as well as *de facto*, for a very simple reason, which is that, hypothetically, we are to follow their example. The sin into which they had fallen would become a *duty*, not a *sin*. As for the elect who have not been given the mission to guide the people, although their infallibility is less certain *de jure*, it generally exists *de facto*. If they happen to sin, it is perhaps exceptionally rarely, due to forgetfulness or distraction, which momentarily prevented the normal function of their conscience, but of which they are well aware.<sup>47</sup>

It is different if we take the word *sin* in its refined sense, which only implies a small delay, a provisional arrest in the accumulation of values. In this sense, a sin will mean adopting a solution which is good or even excellent in the eyes of the saint, even though another solution would actually have been better still. When this solution later appears to him, the regret and remorse that he feels are equivalent to those that an honest person feels after having committed a grave error. It is in this sense that the exegetes usually interpret terms such as *disobedience*,<sup>48</sup> *iniquity*<sup>49</sup> or *sin*,<sup>50</sup> which the Qur'an attributes several times to the prophets, or even to the founder of Islam himself. All these terms which, when applied to the common people, designate the worst sins, are here in a very moderated sense. Forgetfulness,<sup>51</sup> a misunderstanding,<sup>52</sup> or even a natural reflex<sup>53</sup> – all these things which are insignificant in the eyes of the masses undergo a sort of magnification in the conscience of the élite. It has always been with good reason that the term *noblesse oblige* has been used. The Qur'an has taught us that the mistakes of great people are considered as worth double those of others,<sup>54</sup> while for those who strive to avoid the gross sins, their minor faults are forgiven out of God's mercy.<sup>55</sup>

Thus each degree of sensitivity has its own requirements, and in order to attain total perfection there are some that progress into infinity. It is a common fact that great saints consider their everyday behaviour to be far below the sublime level to which they aspire. Their past in relation to their present, just like their present in relation to their future, are nothing but stages of a continual progression, and each previous state will appear to them as something worthy of great shame in comparison to those that follow. It is in this sense that many commentators interpret the Qur'anic passage which says:

*The Last will be better for you than the First.*

93:4

In a similar way they also explain the Prophet's attention to prayer, and his daily insistence in seeking God's forgiveness.<sup>56</sup>

In the preceding section, we studied the Qur'anic notion of effort in both its defensive and offensive aspects. We have seen how in one form or another and at all degrees, effort is an indispensable instrument for a moral life: whether for removing evil, or for performing good, or for attaining perfection. Struggle

is the human condition,<sup>57</sup> in order to acquire virtue and protect life. Up to now our examination has concentrated on the internal dimension of effort. We must now consider it in its physical form. What, from the Qur'anic point of view, is the moral value of physical effort?

## 2 Physical effort

Firstly, we note that, if there is an ethics which sees pain inflicted upon the body as something valuable in itself, or as a salutary discipline for the soul, it is certainly not the ethics of the Qur'an. Far from prescribing physical suffering, this ethics does not allow it to be sought intentionally. It makes a clear distinction between the physical effort implied in a duty that is already established, or which accompanies it in a natural way, and a contrived effort which is the creation of our own imagination. The latter kind of effort is rejected and forbidden.

We are familiar with the case of the first group of believers who, thinking that they were doing a praiseworthy act of worship, imposed upon themselves different sorts of privations and penances, something to which the Qur'an alludes, condemning it as an excess and a transgression.<sup>58</sup> The *ḥadīth* supply us with more details: one believer said to his companions, 'I will no longer eat meat'; another: 'I will not sleep in a bed'; a third: 'I will never marry.' In response to their vows, the Prophet said, 'But I keep awake and I sleep, I fast and I eat, and I marry. Whosoever does not follow my example is not of me.'<sup>59</sup>

The following event provides another example. One day, the Prophet was giving a sermon, when he saw a man standing in the sun. 'What is the matter with him?' he asked. The audience answered: 'He has made a vow not to speak, not to sit, not to shelter from the sun, and to keep the fast.' 'Tell him to speak, to sit, to shelter from the sun, but to continue his fast.'<sup>60</sup>

Does it not follow that, with this evidence, physical effort has no value in Islam if it is devoid of meaning? This is why when the accomplishment of a duty cannot usually be made without some physical pain, the Qur'an and *ḥadīth* always call us to make an effort in different ways:

The effort to earn our living.<sup>61</sup>

The effort to obtain enough to be charitable.<sup>62</sup>

The effort to perform ritual worship at its prescribed times, regardless of the season or weather. Thus, in one way or another, the prayer must be performed on time,<sup>63</sup> even during battle;<sup>64</sup> fasting must be observed whether days are long or short,<sup>65</sup> and pilgrimage must be made whatever the season.<sup>66</sup> It is known that before Islam, in order to combine this act of worship with the commerce of the yearly fair, its time was fixed in the spring, using a system of calculation called *nasī'*. The Qur'an abolished that custom by establishing (or rather reinstating) its fixed lunar date, which moves successively through all the seasons.<sup>67</sup>

The effort to defend the sacred truth. Here, the exhortation becomes more frequent and urgent:

*O you who believe! What is the matter with you that when you are told: Go out and fight in the way of Allāh, you feel weighted to the earth? Do you prefer this life to the life to come? . . . Go out whether you are lightly or heavily armed, and struggle with your wealth and your selves in the way of Allāh . . . If it had been a case of easy gains and a short journey, they would have followed you, but the distance was too great for them.* 9:38–42

*They said: Do not go out to fight in the heat. Say: The fire of Hell is much hotter, if only they understood.* 9:81

*That is because any thirst, weariness or hunger in the way of Allāh will not afflict them without a good deed being written down for them because of it.* 9:120

The spirit of vigorous struggle is not only apparent in the repeated command; it is echoed in the declaration which the early Muslims pledged to the Prophet: 'We shall listen and obey, in times of hardship as in times of ease, whether we are so inclined or not . . . and in all circumstances in which we find ourselves.'<sup>68</sup> 'To confront a tyrannical ruler with the truth is *jihād par excellence*', said the Prophet.<sup>69</sup>

However, we think it useful to show through several examples how physical effort changes in value, according to how directly it is linked with the good intended by duty. We are going to see that this link sometimes identifies completely with the essential aspect of duty; or at other times it may coincide with an important secondary aspect of the action; or it may be reduced to a simple relationship of contiguity. Here are three examples.

### 1) Giving help

When it is said that one must save the life of a drowning person, or protect that of an orphan; when, in sum, it is a matter of preserving human life, which is where the Qur'an likens the saving of one life to the saving of *the whole of humanity*,<sup>70</sup> what is our precise duty in such situations? Clearly our duty is not just to prolong these lives, since we have no direct influence on the final outcome, but it is still the true *good* that we aim for. Our duty is to conduct ourselves towards this end by any means which is available to us. The only means that we use is to motivate our faculties and turn them in the direction of this aim. In the last analysis, it is to carry out certain actions and make certain efforts: an intellectual effort in order to find the way; a moral effort of good will in order to determine how we are to employ this way; a physical effort in order to execute our decision (jumping into the water, for instance). Of all these steps together it is the latter which takes us to the highest level of the good that we intended. It is the greatest cause of it, as it is the stage marked the most by a great sacrifice. Here, as one can see, physical effort is an essential element, without which our task would clearly fail.

## 2) Prayer

Is it not a great comfort for the soul of the believer to turn to God through pure, contemplative thought? The language which expresses this thought is not without an effect on the soul. It steadies it, enlightens it and strengthens it. A humble attitude of the body in which the idea is born is also a framework and a source of nourishment for it. If one has access to the place where this private conversation unfolds, after having prepared ourselves in a similar way to how we would before meeting a high official, one will experience all the more the particularly respectful sense of this *Reception*. The organic ensemble of these different elements is the very definition of the prayer, which Islam commands us to observe several times a day.

Nevertheless, not all of these parts are equal in the degree of their obligation. In one situation, one part might be neglected; in another, another, and so on. At most, one can drop them all, except for one, which is at the centre, to which the others are only as chaff is to the grain, or the shell is to the pearl; what I mean is that it is an act of the heart. A dying person who cannot move or speak is still expected to perform the prayer mentally as long as he is still in possession of his consciousness and memory. Thus, the bodily action, which just now (with regard to giving help) occupied the first level only plays a secondary role here. However, it remains an integral part of duty in normal circumstances.

## 3) Fasting

We witness here a kind of physical suffering which happens while duty is being performed, but which it is hardly a part of it. By its very nature, it cannot be the object of obligation; by definition, all suffering is *passion*, not *action*. Some may object that if it cannot be the direct object of an obligation, it can become so through the intervention of another action, which can bring it about. The prescription of fasting can thus be stated in these terms: 'make yourselves suffer hunger and thirst by depriving yourselves of food and drink between certain fixed hours.'

Our reply is that, if it were like this, there would be no means of obeying it for the one who was not very sensitive to this limited privation, since prolonging the fast beyond these hours is just as forbidden as breaking it early. As everyone who obeys the rule sincerely is equally obedient, notwithstanding the particular reaction of their body, it follows from all the evidence that physical suffering is not to be counted as a part of duty, either directly or indirectly. In fact, duty lies elsewhere; it is only by accident that it is linked with suffering. The effort in question here is of an essentially moral order. It concerns firstly and above all a kind of *apprenticeship* imposed upon the *human will* in order to obtain from it a certain regularity, a steadfastness in its submission to the *divine will*. Mistress at home as far as it rules the body, but only second-in-command, if it is permissible to express it in this way, to the Creator, the task of our will is to co-ordinate the two by subordinating one to

the other. Its goodness is in the maintenance of its role as an intermediary which is conscious of its dignity. It is bad if it reverses this normal order by descending and becoming a slave of the appetites.

In order to facilitate its task, the proposed practice is most simple. It is a dietary regime which is to be followed throughout one month of the year, a regime which regulates the hours without affecting the quality or quantity of food; from dawn, nothing is to be taken for the whole day; after sunset everything becomes allowed again. The same regulation applies to sexual relations. In this way, with regard to the same action, our second-in-command receives two contradictory orders a day: one is to abstain, the other to act. It takes effort to attend to the execution of these two orders, each in its own domain, and what training it is for the will to repeat the same exercise throughout the month! By dint of obeying one becomes obedient and by dint of commanding one becomes a veritable master!

This exercise is not done in order to be restricted to the material object to which it is applied; it is for all of our behaviour. A person who speaks or acts wickedly during the fast has not profited from this lesson. Failing to understand the intention of the commandment, they make a useless sacrifice in depriving themselves of food and drink. The Prophet said: 'God does not need such fasting.'<sup>71</sup>

The moral significance of fasting as we have defined it is not just inferred from what the Qur'an's general teaching appears to be; it is explicitly mentioned in the passage which prescribes the practice:

*O you who believe, fasting is prescribed for you, as it was prescribed for those before you, so that hopefully you will be mindful of Allāh.* 2:183

The Prophet also said: 'Fasting is half of patience',<sup>72</sup> and again: 'Fasting is a shield.'<sup>73</sup> As far as I know, there is no allusion in these texts,<sup>74</sup> or anywhere else, to physical suffering being a duty or one of the consequences intended by the legislation.

It is true that this suffering can indeed occur; it is even the natural consequence of deprivation; and one must not forget to consider that those who fast, either at the onset or towards the end, may often feel unwell, due at least to the change of regimen; but in this case, a new command is imposed.

Not only must one conduct oneself with patience and dignity, just as we have to in the face of an inevitable and unhappy event,<sup>75</sup> of which the Qur'an speaks:

*We will test you with a certain amount of fear and hunger and loss of wealth and life and fruits. But give good news to the steadfast* 2:155

but this is also an excellent opportunity which must be taken for a healthy meditation upon our nature, and upon our relationship with God and our

fellow human beings. With what humility must we see our weakness under the necessities which weigh upon our body!<sup>76</sup> What greatness and goodness must we recognise in God Who has given us this light!<sup>77</sup> We must also think of our fellow human beings who suffer in their everyday life without being compelled to do so either through any moral obligation or through the universal conditions of nature. Helping the destitute, which is particularly enjoined during the month of fasting and which becomes a formal obligation on the day after fasting ends, is only a logical consequence of and a corollary to the ritual.

Whatever advantages there are of the moral order, or others too of the physiological order,<sup>78</sup> one can clearly see that physical suffering due to deprivation was never the aim of Islamic law. If it is sometimes derived from the performance of a moral duty, it also imposes others in its turn. Even prolonged abstention in spite of suffering is a positive internal action through which the will resists the demands of the body. The physical aspect of abstention consists in enduring evils rather than acting against them. It is reduced to a purely passive action. It cannot therefore properly be called effort.

\* \* \*

So, we can define in two words the Qur'anic position concerning the problem of physical suffering in ethics. Sacrifice is not to be sought through an arbitrary artifice, nor is it to be shunned when it is when implied in a duty. This twofold proposition will emerge with still more evidence if we consider carefully how this Qur'anic principle has been applied in the solutions brought by the Prophet to various particular questions; in aiming for a certain clarification it will allow us to examine two sets of antitheses which are often discussed by Muslim moralists, namely: endurance and generosity; isolation and sociability.

### *1) Endurance and generosity*

Here is the first problem: which of these two virtues is worth more: endurance in adversity or generosity in prosperity?

Such a problem would be wrongly posed if it were a matter of establishing here a practical hierarchy which could determine a duty, or even a recommendation. For, in order to put into practice the so-called primordial virtue, which is incompatible with a particular situation, either it would be enough artificially to take the position of the opposite situation, which would be manifestly absurd, or it would be necessary to replace the actual situation with an inverse situation. However, supposing that it equally depends on us to improve or worsen our situation, to squander our wealth or make ourselves rich, while waiting to pass from one state to the other, is it our urgent duty to change our situation, or to behave in a particular way when it happens?

We find the answer to this question outlined in some wise advice where the Prophet invites each of us not to leave his usual way of life, as long as the

vicissitudes of fate do not turn it against him.<sup>79</sup> By transferring this advice from the social plane to the moral plane, can we not state that, to the extent that man can perform his present duty perfectly, he must keep to it, and there is no obligation for him to create an artificial situation calling for a contrary duty?

There is no need either to resort to reasoning by analogy, since we find the same advice in the moral domain. In this way, when the inhabitants of Medina wanted to sell their properties situated in the suburbs in order to move to the centre near to the Mosque, the Prophet advised them against it saying: 'O Banū Salama, stay where you are; your footsteps will be credited to you.'<sup>80</sup>

We agree that in certain cases, duty consists not in adaptation, but in transformation. To return to the terms of our problem, we accept that an unfortunate person should do his utmost to earn money. Is the opposite true? Is it the duty of a wealthy person to try to become poor? No! The Islamic position is very clear about this. The Prophet not only enjoined everyone to earn their living through their own effort;<sup>81</sup> not only forbade capable men from begging from someone else<sup>82</sup> and rich people from voluntarily making themselves vulnerable and putting their family in a lamentable state, either through wasting their resources or by giving all their riches away,<sup>83</sup> but he also stated clearly: 'Riches do not bring any trouble for he who performs his obligations.'<sup>84</sup> Even better: 'What a beautiful companion for a Muslim is a fortune! Provided that he gives some of it to the poor, the orphan and the traveller (who are away from their own resources).'<sup>85</sup>

It is true that the disdain with which the Qur'an and *sunna* treat worldly goods invites us to renounce some of these ephemeral things, but this renouncement which can be universally understood in the spiritual sense must only be understood materially in very rare circumstances. It is the same in the case of a man without the burden of relatives and with no obligations, whether near or far (for example, the duty of charity) to claim his time. Without doubt it is preferable for this man, once he has enough to provide for his own immediate needs, not to attach himself too much to superfluous gain, and to devote most of his efforts to cultivating his mind and spirit. Such conditions are exactly those of the Muslim mystics, who had as their precedents some of the Prophet's Companions, in particular the *Ahl al-Suffa*. However, it is already a duty for everyone to have a reserved spiritual attitude towards worldly goods, a detachment from the excessive love which enslaves the *spirit* to *matter* and makes a simple *means* into an *end* in itself.

Except for this twofold meaning, there is no legitimate ascetic position in Islam. This is why one cannot tell a wealthy person to become poor voluntarily in order to become a good Muslim. Real *asceticism* does not consist of this, if one judges it by the definition which the Prophet himself has given us. 'Detachment from this world does not mean forbidding what is allowed, or the voluntary loss of your fortune; it resides in not trusting in what you own more than in that which is near God.'<sup>86</sup> It is the same for the opposite case, that of a

person without any relation, who enjoys his necessities with contentment and sobriety and who attaches himself more specifically to higher values: we must no more encourage him to renounce his ideals and start enriching himself materially.

In truth, all one must do besides the task that arises at the time, is to pay constant attention, even just provisionally, to a change in our mind as soon as our situation changes; always to be ready for conquest or defence, for generosity or patience.

If this is so, one must recognise that these two virtues have a relationship of equal value, relative to their respective circumstances. As each situation has its own moral requirements, it is clear that the one who knows how to perform them has accomplished his complete duty, no more, no less. This is, we believe, a necessary consequence of the characteristic of this ethics, namely, that it does not wish us to force the nature of things, but rather that we adapt ourselves to it in the most noble sense of the word adaptation, which carries a complex combination of *courage* and *elegance*. Starting from this principle, it can already be stated that both attitudes are practically equal, even if we do not possess the precise texts on the subject, although these texts do exist.

Here are some: the Prophet exclaimed: 'How fortunate is the state of the believer! All situations are favourable to him ... If he finds himself in a prosperous state, he is grateful (to God), and that brings good upon him. If he is in adversity, he is patient and that too is profitable.'<sup>87</sup> Even clearer is the saying: 'A well-fed man who uses his strength and acts of grace (towards God) to practise good is equal to another who fasts and endures suffering.'<sup>88</sup>

Thus, since it has no significance of a practical order – that is, it does not demand a change in our duty – the problem which now occupies us must be posited within the realm of speculation and of the appreciation of good in itself independently of our particular possibilities. Moving to this realm, it seems good to us that the solution which Islam brings tends to give primacy to the virtue most likely to generate positive common good; in other words, to that which supposes a more or less elevated degree of ease and natural well-being, rather than that which limits its benefits to the one who owns them and which implies deprivation and suffering.

This at least can be extracted from the dialogue which took place between the Prophet and some of his Companions. Here is the story, as related by Muslim. Some poor emigrants came one day to find the Prophet and expressed their pain at not being able to practise the good works through which 'the rich have attained the highest degree and eternal bliss'.<sup>89</sup> Far from debating their views, the Prophet showed them, as a substitute for charity, a practice that would be easier for them, since it was of a spiritual order. ... Some time later they came back complaining again about the inferiority of their merit. 'The rich have now learnt to add to their generosity the acts of supererogatory devotion you have just taught us.' So the Prophet said: 'This is a favour which God grants to whom he wills.'<sup>90</sup>



## 2) *Isolation and sociability*

The second problem is that of the antithesis of the solitary life and the social life. Here too we find the same preference for the positive common good, but this time the positive value is on the side of the greatest effort and the greatest sacrifice.

There is definitely no place for any categorical imperative with regard to this, as everything depends on each person and each case, as al-Ghazālī has shown.<sup>91</sup> No less certain is the fact that the celibate who retires from society, believing that in this way he can solve certain moral difficulties, is actually only evading them. In order to become pure and chaste, he creates a fake world for himself to which he can mistakenly escape, not through his own strength, but by force of circumstances. He will therefore not have the same heroism and merit as the person who courageously bears life as it is, with all that it brings of responsibility, risk and sacrifice, and who tries his best to surmount the obstacles.

We see the Prophet, who took his inspiration from the Qur'an,<sup>92</sup> beginning his appeal to young people by advising them to get married only on condition that they can fulfil their matrimonial duties.<sup>93</sup> Only as a subsidiary statement did he advise them that, when there was no such possibility, they should resort to frequent fasting as a means of defence against instinctive impulses.<sup>94</sup>

Other *ḥadīths* explain this hierarchy better. When he was asked one day about who is 'the best man', the Prophet's direct response was given in these terms: 'The one who fights with his person and his goods in the way of God.' 'Then after that?' they demanded. He replied: 'The man who is alone in a valley in order to worship his Lord and spare other people from his wickedness.'<sup>95</sup> Take another, equally hierarchical text. As they were going over a mountain, one of the Companions found a spring of very sweet water. The calm and the beauty of the landscape did not fail to have an effect on him and he exclaimed: 'Ah! If only I could stay here, away from the strife of the world ... But I will not do so before consulting the Apostle.' So, this was the advice that he received: 'Do not do it; because each one of you in the cause of God is worth more than seventy years of prayer at home.'<sup>96</sup>

There are certainly cases where a wise person feels it necessary to distance themselves from the world, either for common reasons, or for personal motives. It happens, for example, during periods of social strife. When confusion reigns everywhere in people's minds, contact with that environment inevitably causes everyone to take sides, and this fatal tendency to tear the community apart often leads to civil war. The Prophet advised us to avoid such temptations and to seek refuge somewhere.<sup>97</sup>

It is also the case for the person who is too sensitive or too strict to live harmoniously with their fellow human beings. In this case, it is evident that the best resort is to follow this golden piece of Islamic advice: 'Let your own abode contain you. Keep your tongue in check and weep for your sins.'<sup>98</sup>

However, can we compare the person who is reduced to silence and

inaction, in order to avoid unfortunate shocks, with someone else who willingly sacrifices their tranquillity and personal feelings for the general salvation and well-being of the community? The Prophet himself has said to us: 'A Muslim who mixes in society and bears its wickedness is better than one who does not mix with people and cannot tolerate them.'<sup>99</sup> The most authoritative thinkers have understood this. Here are some of their sayings:

Struggling alone is worth less than concern and care for society.

The person who detaches himself from the world by retreating is not as worthy as the one who detaches himself by thinking of God.

Dress like everyone else, eat what they eat but be different in spirit.<sup>100</sup>

This is why the definition of an *ʿārif* or Knower of Truth is: 'the present-absent person', which means the one who is with society in his ordinary occupations, but whose thought is attached to higher things: *al-ʿārif kāʿin bāʿin*.

One kind of solitude can and must be considered as truly salutary and advisable for all, because it generates the most fundamental positive values. It is the partial withdrawal from the worldly tumult, just long enough for contemplation and beneficial meditation. Nobody contests the benefit of this kind of retreat, which is the only way for us to enlighten our thoughts, ennoble our feelings, stimulate our will and strengthen our attachments to the absolute value; but it is not necessary for this retreat to take place outside of the city to the detriment of our familial and social duties. Far from being a rupture, it must rather be a cure taken at intervals, during our hours of leisure and in particular at night.<sup>101</sup> We know that this method of partial and intermittent isolation was practised by the Prophet shortly before his nomination to his universal mission. Ever since that time, while staying at home or nearby (in the mosque) he never ceased to do this from one time to another, especially in the last ten days of the month of fasting.<sup>102</sup> Most of his Companions followed his example and it is still being followed by many good Muslims today.

### 3 Effort and gentleness

Examining the two problems above has allowed us to have some idea of the perspective of Qur'anic legislation. From the Islamic point of view, physical effort, no more than moral effort, only has a value proportionate to the good expected by the law. If a situation or duty involves no difficulties, no text invites us to seek them. If, however, the burden of life weighs heavily upon us, nothing authorises us to evade it. Blind *fanaticism* and narrow, mediocre *devotion* are equally proscribed.

We stay with the case where the realisation of moral good (in the broad sense of the word) requires the intervention of our energy. We must ask ourselves what we understand by this requirement. Does it ask for all of our

energy, or does it assign it some limit through which not only the effort of an essential duty becomes a duty of perfection (as we have shown by studying the different degrees of creative effort), but the requirement becomes an act of permission, or even a prohibition?

To judge by certain texts, the struggle should aim for the highest ideal, and not be an aim itself. Thus we read in the last verses of *Sūrat al-Ḥajj* the following commandments:

*O you who believe! Bow and prostrate and worship your Lord, and do good, so that hopefully you will be successful. Struggle hard for Allāh, as is His due.* 22:77-78<sup>103</sup>

And in *sūra* 3:

*O you who believe! Have fear of Allāh, with the piety due to Him.* 3:102

However, many other passages in both the Qur'an and *sunna* clearly take into account our human frailties. The first stage of this path was established by a verse, which Tradition tells us was given precisely in order to moderate the apparent strictness of the passage in *sūra* 3. The explanatory passage is composed thus:

*Keep your duty to Allāh, as much as you are able.* 64:16

This formulation sets the limit of action not according to what God merits through His attributes, but from what men can attain. It therefore offers human beings a dispensation from everything which is beyond their power, but at the same time it seems to entreat them to put all their strength at the service of this ideal. Does Qur'anic ethics demand us to exhaust our strength, to give up our life through over-exertion? Two more commands help us to dispel this confusion:

*Do not kill yourselves. Allāh is Most Merciful to you* 4:29

and

*Do not cast yourselves into destruction.* 2:195

If we look at certain precepts, we will see the care taken to make their application ever more humane and reasonable. Not only does the possibility of death from deprivation or constraint excuse some violation, but we have seen<sup>104</sup> also that sickness, old age, the necessities imposed by military operations, or the inconveniences of travel are just as much reasons for determining a reduction, a delay or any other modification in the practice of worship.

We must now explain the meaning and the import of the Qur'anic concern for adapting duty to the situation. Firstly we note that in the case where duty undergoes a determined modification, it is the exception and not the rule. It is exceptional in two ways – exceptional among duties, since it essentially refers to religious duty and has nothing to do with our human obligations. The duties of honesty, fidelity to our vows, and respect for innocent life, human property and honour do not have innumerable forms. They are exceptional in their application, since they excuse only the weak or the poor.

Let us recall that, even in the restricted domain of the divine, it does not concern personal faith and only affects a certain material aspect of duty, although it still maintains its essential meaning. The gravest difficulties do not excuse believers from prayer, nor permit any change in the date of the pilgrimage. Adaptation, even on this level, is neither abrogation nor abdication.

It is true that from these modifications specified in the texts, and which cannot be generalised, the Qur'an and *sunna* have established in a general manner that:

*necessity is law*

6:119

They grant such a necessity in its widest and most humane aspect in order to spare us from making a brutal, harmful effort in our ordinary practice, and especially in our religious practice.

There are many texts where the emphasis is placed upon the merciful character of Qur'anic law. Does this mean that we should see it as an encouragement for our effort to be mediocre? It is very instructive to consider the tone in which the Qur'an expresses itself on the subject of exemptions. It treats them with extreme discretion. It hardly lets us grasp them. It does not go to the extent of saying: act according to the arbitrary demands of the situation; it does not even say: it is permitted to you or tolerated for you to act in a particular way. Looking at it more closely, one can see that necessity does not remove the obligation; it simply removes the consequence of the transgression once it has been made: one is pardoned.<sup>105</sup> What is more remarkable is that in the case where it permits an inferior degree of effort, it immediately appeals to our courage to resist the temptation of slackness; it counsels us to endure the evils that must be resisted and valiantly to adopt the nobler solution.<sup>106</sup> The exhortation to noble effort is a leitmotiv throughout the Qur'an.<sup>107</sup> In a still more general fashion, out of two degrees of moral good it enjoins us to choose the more worthy and magnanimous: generosity rather than strict civil equity,<sup>108</sup> to pardon rather than to take vengeance.<sup>109</sup>

The Qur'an does not, therefore, invite us to make less of an effort; it does not allow us to turn away from the first difficulties that we meet. Its motto is: fight, endure, be patient, seek the best. Furthermore, the Qur'an is not excessive in this exhortation. It puts two limits upon our effort to serve and be enthusiastic, one physical and the other moral. On one hand, the body which

already suffers an illness does not have to perform the same task as the one which is well. On the other hand, whichever state we may be in, we must not allow ourselves to be dominated by one practice to the detriment of the others.<sup>110</sup> Our effort must be equally distributed across all our duties. As a servant of our soul, our body must not be used and murdered in the service of one narrow ideal, to the extent of reducing us to powerlessness in other aspects of our lives. The *sunna* teaches us: 'Your Lord has a right over you; your body has one; your family another' – and another version adds: 'your guests have one – give to each one their rights.'<sup>111</sup>

Many a time, and after each case, has the Prophet advised against, blamed or condemned excessive application to devout actions, such as prolonged vigils or uninterrupted fasting. While he was travelling, noticing a crowd sheltering a man from the sun, the Prophet asked what was happening. 'The man is fasting,' they replied, to which he declared: 'It is not an act of piety to fast while you are travelling'<sup>112</sup> (meaning during journeys which are difficult). On one of these occasions, the Prophet himself was fasting during the month of Ramadan; but, in order to give an example to the people, he asked for a glass of water and raising it for all to see, he broke his fast.<sup>113</sup> A similar incident in another chapter: Noticing one day an old man tottering between his two sons who were supporting him, the Apostle asked what had happened to the man. He had made a vow to do the pilgrimage on foot. The Prophet exclaimed: 'Truly, God rejects the torture that this man imposes upon himself' and he ordered him to use a mount.<sup>114</sup>

Nevertheless, the same tradition tells us that the Prophet was accustomed to making considerable effort, similar to that which he advised others not to do. He never slept a full night. Frequently, he used to stand for so long during the night prayer that his feet were swollen. During the last ten days of Ramadan, in particular, he used to spend all night in prayer and also asked his family to do the same.<sup>115</sup> Many times, he fasted night and day, for several consecutive days. When people objected that he engaged in the very practice which he prohibited, he replied: 'Should I not be a grateful servant?'<sup>116</sup> Or 'I am not like you: my Lord provides me with food and water.'<sup>117</sup>

Here, we can grasp the relative character of the requested effort. It is not only physical strength, but also moral energy which is not equally shared among people. What could be called excess and fanaticism in some is not necessarily so in others. When love, fear or hope supports the soul, none of the sufferings which it undergoes are felt, or at least they are more bearable, or less damaging. They bring joy to the heart, and happiness to the devout soul. This is why many of the early Muslims displayed a spirit of generous sacrifice and their gesture was not left unacknowledged. The Qur'an makes allusion to the valiant action of Ṣuhayb.<sup>118</sup> As the idolaters were tracking the Prophet and those of his followers who wished to emigrate with him, Ṣuhayb left by another route, exposing his own life. Once the trackers caught up with him, he defended himself by all means possible, and only escaped death by offering

them a treasure which he had hidden in his abandoned property. It is clear that his strict duty was not so exacting, but his sacrifice was praised by the Apostle.<sup>119</sup>

Some perhaps know the story of the two brothers who were wounded at the battle of Uhud. As soon as they learnt that a new sortie was planned for the army, they said to each other: 'How can we stay behind and let the Prophet leave with everybody else? Let's go!' One of them, who was wounded less seriously, carried his brother on his back for a while, then let him walk until they had reached the main troop. Another edifying story is told of the old man from Mecca who, wishing to obey the Prophet's call to all the Muslims who had the means to join him in Medina, asked his sons to carry him on a stretcher and died on his way there.<sup>120</sup>

Thus it was only out of pity for the weak that the Prophet advised them to moderate their effort. He wished to spare them from wasting their strength with excessive and detrimental effort. He wished to protect them from the repercussions of too much persistence: disappointment or weakening, the abandoning of the task at hand, the imbalance or the negligence of other, less important duties. His aim above all was to dispense with artifice and forced attitudes, which he hated above all,<sup>121</sup> but the mercy he showed towards the masses did not prevent him and those who wished to and were able to follow him from demanding of themselves a much more courageous effort, which was still rational and harmonious.

The result is a synthesis wherein strength and gentleness are brought together. Whatever this chapter shows of the Qur'anic doctrine, there is no better way of supporting our point than to invoke the testimony of the text itself, when it unites these two notions in the same verse:

*Strive hard for Allāh as is His due: He has chosen you and placed no hardship in your religion.* 22:78

Similar expressions also come from the Prophet's lips. For him, what characterises Islamic discipline is that it joins together this twofold characteristic: it is both 'fixed' – *matīn*, and 'flexible' – *yusr*; in a word, it is practicable. 'Go into it gently,'<sup>122</sup> he tells us, 'for whoever persists too hard in observing this law will be overcome by it (will die trying).'<sup>123</sup>

Is it possible to trace a line of conduct which can determine this complex concept of 'noble and moderate effort'? If one understands its definition as a universally valid mathematical formula, it can no longer be considered as something defined either from the outside or from within. Let us first consider it from the *outside*.

Without doubt, one can say in general that the dialectic of the two elements from which the notion to be defined is formed must lead them to a median between inertia and excessive striving; but this median cannot be conceived as an image of a geometrical point, equally distant from both extremities. Having

seen the extreme diversity of individual measures, which depend upon a thousand conditions beyond our control, the median must, on the contrary, consist of a central region, which itself oscillates between the two poles, leaning one way, then the other and including an infinite number of degrees. In order to delineate this central region, an observer will have no other means than to refer to common sense and his rough approximations, according to his everyday experience. We just know when energy loses its impetus and approaches torpor; when it becomes frenetic and feverish; and we situate reasonable effort between the two, in various degrees.

We can understand why the Qur'an has had to make use of this common measure when it addresses its exhortations to ordinary people. Thus it is that cold, heat, sweat, tiredness, hunger, thirst and other similar difficulties which do not prevent us from carrying out our work are not said to relieve us from employing our strength to accomplish our moral duty. In the same way, too, that we sometimes make more effort to see to the needs of people we cherish and for whom we have responsibility, so it is that for an even more demanding duty we must endure more and accept a greater sacrifice.<sup>124</sup> If the external definition does not appear very precise, it has a twofold advantage that, by adapting itself to the Qur'anic method, it fulfils the most fundamental requirements of morality.

Concerning the Qur'an, we can see that in all the passages where it mentions reasons for excusing a particular duty, it only uses generic terms: the 'sick', the 'travellers', and so on. Contenting itself with an approximate sense which it generally gives to the difficulty of such situations, it never specifies any degree of illness, nor the distance or duration of the journey, so much so that, when jurists tried to define the minimum distance to be covered in order to be properly termed 'a journey', their views were extremely varied, some fixing it at hundreds, others at tens, others even at single units of kilometres.

However, at the same time, this lack of determination is indispensable for safeguarding the freedom of the moral conscience. Without it, there would be no latitude for the choice of the individual, and, with its clear yet flexible manner of expression, the Qur'an has been able to create a framework homogeneous enough to constitute the moral mores common to all members of society, but also nuanced enough to allow several degrees of value within it. It is within this framework that everyone is called to exercise their activity, placing themselves at a high level in the hierarchy of values, according to their physical potential and moral aspirations. This explains the authentic tradition according to which the Companions of the Prophet, while carrying out the same journeys with him, each behaved differently regarding abstinence from food, without anyone criticising another.<sup>125</sup>

Not only does the Qur'an relate itself to the human conscience when it omits to give a precise definition of the conditions of such an allowance, but it refers to it explicitly in order to define some of our familial and social duties,

whose quantity it leaves undetermined, simply saying that we must perform them 'humanely'.<sup>126</sup> It even designates the current notions of *good* and *evil* under the name '*al-ma'rūf wa'l-munkar*', meaning that which is commonly *accepted* or *not accepted*.

However, the real measure of the complex idea in question here can only be provided from *within*. It must be entrusted to the heart of each one of us, not in order to be defined once and for all, but so that with every new experience we weigh the extent of our energy available against the importance of our duty, without forgetting the balance in the full array of our obligations.

There is no doubt that, through a secret desire to evade one's duty, one may profit from the flexibility of the general rule in order to apply it to other cases which appear to be of the same nature. In such cases, the appearance is preserved, but morality is not fulfilled. It is clear that one can only speak about ethics as long as one remains sincere towards oneself. The Qur'an never ceases to whisper this reservation in our ear.

*Whoever is forced by hunger, not by intention, Allāh is Ever Forgiving, Most Merciful.* 5:3

*There is no blame attached to the weak, the sick and those who have no means to spend, provided they are true to Allāh and His Messenger.* 9:91

As a general principle, it establishes the invalidity of any excuse which is not made out of honesty:

*Truly, man will be clear witness against himself, despite the excuses he might offer.* 75:14-15

It is also possible that one may renounce all effort before really being confronted with an obstacle, not out of bad faith, but simply out of indolence. One imagines in advance the difficulties that will appear: 'I will not do this, because I will become ill'; 'I will not do that, because people will criticise'; 'I cannot give to the poor because I will become poor myself.' Most of the time these are illusions, or to use the language of the Qur'an, they are satanic ideas: *Satan* dissuades you from being generous and *threatens* you with poverty; but:

*Allāh promises you His pardon and grace* 2:268

No, we must not retreat except when confronted with an actual impossibility which has been taken into account, or at least of which we have sufficient experience. We must always begin by meaning to obey and applying oneself to the task, even when the task seems so difficult:

*If We had ordered them to lay down their lives or leave their homes, they would*



*not have done so, except for a very few. But if they had done as they were urged to do, it would have been better for them and far more strengthening.* 4:66

If one really meets with an impasse, the way out will immediately be offered by divine grace. The experience of great souls proves this. Just consider the example of Abraham and his son,<sup>127</sup> and that of Moses' mother.<sup>128</sup> It will be the same for those who have submitted to the will of God:

*And whoever keeps his duty to Allāh - He will give him a way out.* 65:2

*For truly with hardship comes ease, truly with hardship comes ease.* 94:5-6

Finally, it may be that, while performing one's essential duties and purifying oneself from gross errors, one is content with the ordinary level of the good person. Of course, one will have begun by fixing one's ideal at an average level, equivalent to this moderate effort. This is an error through which the *aim* and the *action* are confused. The moderation of the action must only proceed and can only be appropriately attained by starting from an intention which aims at the highest value: the excellence of perfection. Any limit which is less elevated will necessarily have its repercussions upon the will: stopping, decreasing and mediocrity. The Qur'anic passages which command us to struggle as we must for the supreme ideal,<sup>129</sup> without considering our resources, do not have any other human significance. By designating this superior objective for us, and through the unlimited ennobling of our moral aspirations, they seek to propel our efforts to as high a degree as possible in their intensity. We have seen just how much the Qur'an encourages people to seek the best and compete with each other in their struggle for the highest ranks. The Prophet gives us the key and the motive for this noble struggle. Whereas, in the material order of things, he ordains us to content ourselves with our fate when looking at that of our fellow human beings who are less fortunate than us, in the moral order, on the contrary, he strongly recommends us always to raise our eyes towards those who are superior to us, and to try to emulate them.<sup>130</sup>

### Conclusion

We now know what is the effort demanded by the Qur'an. Firstly, it is an activity, both moral and physical, which places itself at the service of duty and which is measured by it. Anything that is *arbitrary* is alien to it.

Secondly, it is a *clear-sighted* activity, even doubly so. Not only are its attentions turned to every available energy to be used with specific intent, but at the same time they encompass the various relationships of the agent (with God, the world and his own self) so that he may apportion himself equitably among them, and satisfy their diverse demands.

Thirdly, it is *noble* and *far-sighted*. It is not intended to consume itself

instantly and remain without a result or a consequence. On the contrary, it envisages a certain durability, a certain constancy, in which joy and bliss, far from diminishing, go on to increase.

Thus, having the ideal of the duty in view, armed with this threefold plan (of strength, space and time), effort must take its impetus in such a way that in ennobling itself it also avoids excess, and in moderating itself it does not fall into remission.

This immediately brings us to recall the theory of 'the middle way', to which Aristotle devoted several chapters in his *Ethics*. It will be useful to make a comparison between both doctrines. We emphasise that, for us, the question is not to know whether or not there is a certain historical link. Everyone knows that the Qur'an came later, but one also knows that it would be to commit an anachronism to suggest any hypothesis of borrowing. The contact between Hellenistic philosophy and Muslim thought only occurred two centuries later. What we propose to do is to try to see how far their comparison goes, and what their differences are.

The idea of *measure* is an old one. According to the Pythagoreans, the world is complete and in harmony. On the moral plane, Plato acknowledged that everything should be executed with measure, conforming to the demands of the right reason. Presenting this idea to us in a less abstract form, Aristotle told us that we must adopt the middle path, and avoid both excess and deficiency.

We find the same practical principle in the Qur'an, not only regarding pious effort, as we have come to see, but also with regard to sobriety,<sup>131</sup> temperance,<sup>132</sup> generosity,<sup>133</sup> and gentleness in tone and attitude.<sup>134</sup> So far, the analogy is clear.

But here is the first difference: we do not find anywhere in the sacred Book of Islam a general formula identifying *virtue* with *balanced action*. We find this formula in Aristotle: 'Virtue is a kind of median, since the aim that it proposes is a balance between two extremes ... Excess and deficiency betray vice, whereas the median characterises virtue.'<sup>135</sup>

Is this definition perfect? Is it exact? Is it founded upon complete induction? Firstly, do all ethical concepts admit such a quantitative difference with a plus, minus and an equal sign? We do not equivocate on the example of *veracity*, which has sometimes been mentioned as the exception to the rule, since we are inclined to define a truthful person as someone who tells the whole truth, so a lack of veracity consists sometimes in going beyond that, and sometimes in remaining on the near side of the measure. The man who adds to truth through exaggeration and the one who detracts from it through dissimulation are equally blameworthy. The objection based upon the example of the theory of veracity can thus be dispensed with. However, how are we to establish a tripartite division within an internal, indivisible moral action? Let us take *loyalty* as an example, insofar as it agrees internally with itself on a particular position. In this domain the principle of the excluded third party

seems to us to apply perfectly: either one is sincere with oneself or one is not, just as either one sees or one does not.

Let us place ourselves in conditions that are conducive to this gradation. Must we accept that any behaviour which tends towards the median is virtuous, and conversely, that everything which goes beyond this measure is included among actions that are tainted with vice? Love and hatred, affirmation and negation, an action that serves and constructs and an action which harms and destroys – these are extremes. Should we maintain here that virtue consists respectively in *indifference*, *doubt* and *inactive contemplation*? On the other hand, when the Athenian philosopher told us that for him the term 'median' is the point of equilibrium or equality, did he not fear that his idea of virtue according to this measure would be just strict justice, born, if not out of the law of talion, which he himself condemned, then at least out of the law of proportion which he used in its place? What place does he give for charity, devotion, sacrifice, these virtues which cannot be calculated or measured?

The Aristotelian definition seems to us to weigh sometimes towards *excess*, by embracing cases which are not appropriate to the thing defined, and sometimes towards *deficiency*, by not comprising everything that is defined. As the Aristotelian School says, it is neither particular nor universal. From this it can be said that by avoiding any universal formula on this subject, Qur'anic wisdom knows what limits are necessary.

Let us go one step further, and consider the case where both doctrines agree in recommending us to find the median. How is this defined?

Even there, their responses are different. Our philosopher keeps to generalities which are so abstract that he leaves it to each of us to determine what this *excellent median* might be. He only gives us some factors for its definition. Our actions and feelings must become manifest 'at the right time, for satisfactory motives, with regard to people who deserve it, for proper ends and in suitable conditions'.<sup>136</sup> Very good! But what is 'right', 'satisfactory' and 'suitable'? Certainly 'the right reason' demonstrates it. The common man still cannot grasp the criterion for virtue. It remains entirely in the minds of the wise. Let us take the example of generosity. He said: 'To know to whom we must give, how much, when, to what end and in what way – this is what is difficult. The right use of money is rare. . . he who aims for the median must begin by removing himself from that which keeps him away from it . . . by being satisfied with lesser evils.'<sup>137</sup> That is all he gives as a precise definition.

The Qur'an, together with the teaching of the Prophet, on the contrary, provides us with a sufficiently concrete and recognisable measure for each virtue, through which the chances for error and confusion are almost eliminated. For the best proof of this, we can look again at the list of questions related to Aristotle, which we mentioned earlier, and put them to Qur'anic law. One will find that for each question there is a precise answer. Even better! Having given each virtue its specific measure, the law has balanced them all as a

whole, through the general rule which commands us to harmonise our duties among them.

Finally, regarding the degree of effort, the wise median recommended by Islam consists neither in a 'mathematical mean' nor in 'a point of culmination', these two terms between which Aristotle's thought oscillates, but in a noble attitude which comes as near as possible to perfection, accompanied by joy and hope. When the Prophet exhorted people to gentleness, he said: 'Go directly towards that which is just in itself. Draw as near to it as possible, and be hopeful.'<sup>138</sup>



## GENERAL CONCLUSION

To teach men their concrete duties! A noble task, certainly, which the Qur'an has achieved perfectly; but it is not its sole objective that it is to be the principle aim of its ethical teaching. Besides that practical task, it has taken on another, that of the theoretical order. It has provided us with all the elements necessary for us to have an exact idea of the way in which it conceives morality. What is the origin of the ethical rule? In which conditions does it apply? What are the consequences which influence our attitude to it? What is the ruling principle which should inspire our behaviour? Through which means are we to obtain virtue?

Obligation, responsibility, sanction, intention, effort, such are the principal pillars of any ethical doctrine which knows what it should be. We have devoted the essential part of this investigative work into the Qur'an to the study of the constitutive parts of ethical theory. Let us quickly glance over it, reviewing the results to which our research has led us; we can see certain characteristic features of this ethics emerging, which we will try to highlight in the following lines.

Firstly, in what sense and to what extent can Qur'anic ethics be qualified as religious? It is certainly not in the sense that the rules which it establishes have as their sole or essential concern the organisation of the relationship between mankind and the divine, since it can easily be seen that no aspect of human activity escapes its law.<sup>1</sup> With this relationship, no system of ethics is more encompassing. It can even be said that purely religious practices occupy hardly any place in it. To tell the truth, two different points of view must be distinguished here: the extensive and the intensive, the external and internal. While the external manifestations of the activities undertaken by Muslims in the personal and social domains generally extend over a larger area than that which they employ in their personal worship, their inner life, on the other hand, is more intensely religious: they must love God above all else, submit everything to His will, and in all things act according to His divine commands or permission.

We no longer have to believe that Qur'anic ethics is a religious ethics in the sense that it will only be verified in Heaven, and its sanction verified beyond the grave, since not only does it confer these prerogatives through two powers

which are considerably effective: moral conscience and legal power, but it also requires every member of the community to prevent the triumph of vice and injustice through every possible legal means.

Furthermore, it is not so in the sense that it only finds its inspiration in fear and hope; its justification only in a transcendent will which might give its orders arbitrarily, independently of the demands of reason or of human feelings, which man must obey without discussion or comprehension, for it is precisely to these human notions that the Qur'an constantly appeals in order to justify its commandments. From this point of view, it can be said that it has provided its moral teaching with such a complete, educational system that it serves every stage of morality. A beginner, a good person, a wise person or saint – everyone finds in it that which satisfies their need for conviction, whether it is rational or emotional, mystical or human, so much so that its most apparently categorical imperative, that which comes to us without giving any clearly defined reason for justifying its institution, does not refer any less to the general notion of divine wisdom, or to another indeterminate good for which it aims.

With this three-way interaction, the religious element is partly included in the consideration of the legislator, either as an aspect of human life which needs its organising rule, or as a greater guarantee of success in the application of the law, or as a justification of a particular decision which, in itself, might have appeared insignificant to us and which our own lights would not be enough either to discover it or to explain it rationally. But, in all cases, *ethics and religion cannot be superimposed*, and one cannot define the other.

Might one not find this superimposition to be possible, at least in one aspect, by considering Qur'anic ethics from the point of view of its legislative origin? Does not the influence which holds sway over us originate, in the eyes of the Qur'an, from a *purely religious authority*?

We hesitate to confirm it in a categorical manner, without reserve or restriction, because, firstly, according to the Qur'an itself, the law of the conscience existentially comes first before positive religion. The sense of good and evil, of right and wrong, is breathed into every human soul from its very creation. Can we not see the appearance of a moral conscience in children from the time that they reach the age of discernment, and its continuation throughout all ages, even among unbelievers? And are there not a great number of the guilty who acknowledge and regret their crimes, without having the courage to renounce them?

Secondly, the positive law did not come to abolish natural law and destroy the inner authority which had established it. Far from abrogating the ancient law, it ratified it, refined it and carried it further. As for the conscience, not only does it presuppose its existence, but once it has nourished and enlightened it, it refers to it anew in order to establish its own realm. In effect, positive law will not be a constraint which is imposed on us without our acknowledgement any more than natural law. It is through our acquiescence

that the divine commandment can become a moral obligation for us. He has not obeyed his religious duty who performs it without believing in its obligatory nature, as founded in the immutable order of things. *The first duty is to believe in duty.* I must receive from my inner self the order to obey the superior command. This explains why, before claiming their faithful obedience, the Qur'an reminds the believers of their general commitment through their act of faith.

Thus, the divine nature of the Qur'anic commandment is only an intermediate moment between two human feelings to which it always appeals. Analytically speaking, the *religious* and the *moral* are two independent notions without any necessary link between them. They respond to two very different ideals: one regarding Being; the other, Becoming. In the first order, the ideal is a perfect being, the true and the beautiful in itself, an object of knowledge, contemplation and love; in the second, the ideal is the perfect work which we call virtue, an object of aspiration and creation. It is through a logical accident, a synthetic judgement, said Kant, that we place those two concepts together by making God the Creator a master legislator, and His commandment a moral imperative. To do this, we must necessarily go through a third group of intermediate ideas. Not only do we recognise in the Creator attributes which are properly moral, such as justice, wisdom and goodness; but we even make His legislation ours; we call His order 'our order', without which the two notions would remain irreducibly separate for us.

Finally, in the third place, not only are many familial and social duties left without any quantitative definition in order to be entrusted to the opinion of the ordinary conscience, but also every Qur'anic obligation posits a number of considerations as a condition for its application, which makes it necessary simultaneously to take into account the human potential, the concrete circumstances and the harmony of our duties. By doing so, it grants every individual conscience some part in the legislative action, a part which is necessary for formulating one's concrete duty at every moment. When the Qur'an states that its yoke is light and its burden easy, without doubt this lightness comes largely from the threefold intervention of the human conscience in its acknowledgement and institution of duty.

We can now see how this intervention has not only had to encompass the religious factor by making it precede, accompany and follow the human elements, but it has also transformed it into a properly moral factor. Thus, from the legislative point of view, no more than from the points of view of sanction, justification and the subject which is the object of its teaching, we cannot claim a solely religious qualification for this ethics, since the religious aspect is always only one element within a very extensive synthesis.

There is one point, nevertheless, at which the religious aspect not only emerges and predominates, but also occupies the entire field of the conscience, and makes it possible, even necessary, to call this doctrine a religious ethics. This is the point of view of *intentionality*. There indeed the



religious sense becomes unique and without rival. The aim of the believer's act of obedience, as he performs his duty, must neither be the riches of this world, nor the joy and glory of the next, nor the satisfaction in his own feeling of benevolence, nor even in the perfection of his inner self; it is God Himself Who must be in mind. Any other aim that determines man to act is worthless in itself. Certainly we must fear and hope, we can seek our material and moral well-being for itself or because it is our duty or our right, but not as a reward for our obedience. This would be, if not a profanation or violation of the law, at least a derogation from the morality that the Qur'an teaches us.

If the characteristic trait of an ethical doctrine derives from the principle it proposes to the will as the purpose of its activity, one can see now in which branch Qur'anic ethics must be placed. For this ethics neither pleasure, nor usefulness, nor happiness, nor perfection can themselves constitute its principle. Everything must be subordinated to the authority of *Duty* in the most sacred, real and sublime sense of the word.

However, it is usual to name ethical laws according to the predominant element of their content: individualistic or social, mystical or human, a law of justice or of charity and so on. None of these unilateral designations seems to us appropriate here. It is a law which commands the joining together of *justice* and *charity*, in which the *individual*, the *social*, the *human* and the *divine* are closely united; but if we search through this system for one central idea, one fundamental virtue, in which all commandments are condensed, we will find it in the notion of *taqwā*, or piety. Now what is piety if it is not to have the deepest respect for the law? We are thus brought back to the idea of duty, posited this time in the realm of emotion as a motive of the will. In this realm, respect appears to us to be at the centre, between two extreme feelings, which it synthesises and attenuates: *love* and *fear*. Born of their marriage, it plays both roles, it serves both to stimulate and to restrain. From this latter aspect above all, it is called 'modesty'. Now, it is precisely by this word that the Prophet defined the heart of Qur'anic ethics.

From whichever side one directs one's search, one sees that, whilst aiming for the highest ideal, this ethics tends to gather together all the forms and powers of the moral life and to bring them back to their point of equilibrium.

We emphasise particularly the way in which it has been able to reconcile the *freedom* of the individual with the *discipline* of his will. It has obtained this reconciliation because of its semi-flexible, semi-fixed character by which it allows itself to adapt to the most varied conditions of life, without allowing itself to yield to the caprice of our desires and the fluctuations of our mood. This law clearly distinguishes between the deepest tendencies of the human soul and its temporary needs, whether legitimate or illegitimate; between that which is to be left intact, being imposed by a universal and invariable condition, that which can be entrusted to individual judgement, since it varies according to character and circumstances; and that which is to be rectified or eliminated as the false addition of an alien, malevolent nature. It is in order to

take these aspects into account that it has established the threefold principle of what is *prescribed*, *permitted* and *prohibited*.

This is the first factor which has made an alliance of freedom and discipline from the just measure of Qur'anic wisdom. Here are some others.

Once the principle and the essence of each rule have been established, they must remain eternally immutable and universally sacred; but since some of their prescriptions are not materially determined, their definition and their method of application are explicitly entrusted to good sense; they are matters of personal judgement and personal tact. Even our duties which have received a certain quantification have only received it in broad outlines. They are thus situated between two distant boundaries in order only to avoid the two extremes in the exercise of our activity: to fall to the level that does not require virtue, or to expend our effort without reason or measure. Between these two, individual freedom is called to be practised in seeking higher and higher degrees, while always being in harmony with the various demands of a moral life.

The way in which the Qur'an presents the rule of duty not only has the advantage of lightening the yoke of obligation and of safeguarding the value of the human person, instead of transforming him into a mere tool, not only has given a just and reasonable balance to two opposing tendencies of the individual will, namely, our dual need for conformity and initiative, but it is also of the utmost importance on the social plane. Owing to that, as we have already said, the Qur'an has been able to create a moral framework homogeneous enough to adapt the common moral environment to everyone in the community, but also nuanced enough to admit several degrees of value within its remit. The most important factor in this success is that nearly all the rules contain a double imperative: to perform a *duty* and realise a *good*, or rather to perform an *essential duty* and a *duty of perfection*. The Qur'an is absolutely unyielding regarding the first point and admits of no compromise, but on the second, the rigour of its demand becomes an exhortation and an encouragement.

All our social institutions must include a static, conservative part, which is to be protected from the caprice of human beings and circumstances, and a dynamic, evolutionary, liberal part. From this, we will be able to achieve our dreams of *stability* and *change*, our needs for *order* and *progress*.

Added to that, on the road from the ordinary duty to the perfect duty, which is offered to each person's initiative and courage, the Qur'an marks each step by its degree of merit, and while showering the various progressive applications of virtue with its beneficence, it invites those of its supporters always to climb higher.

From these conditions, we can conclude: Supposing that humanity were to endure for ever, that it would always be changing the conditions of existence, we can assume that somewhere in the Qur'an it would find a rule to organise its moral activity, a means of stimulating its effort, a mercy for the weak and

an ideal for the strong. The least that can be said about Qur'anic ethics is that it is absolutely complete in itself. It is an 'integral ethics'.

#### Postscript

Throughout this study we have tried to be clear, precise and objective. It would certainly have been desirable to add beauty to clarity and pleasure to consistency. Having cultivated the fruits of thought, it would have been pleasing to tend the flowers of style, but, this luxury being a little alien to our habitual manner of writing in French, it was thought that, in seeking the brilliant, consistency would have been compromised, producing only a ridiculous artifice. We have therefore limited ourselves to presenting our ideas and expressions as they came to our mind, simple and unadorned. For the rest, if any of the qualities that we sought to put in our work have been found, our effort will have been greatly rewarded.

## PRACTICAL ETHICS

In the preceding chapters, we have endeavoured to define the Qur'anic conception of ethics: What is the origin of duty? What is its range, its purpose, its destiny?

We have been able to find, in the Qur'anic text, a precise enough answer to all of these questions to establish its definition. Taken altogether, the ethical doctrine of the Qur'an can be qualified as a *synthesis of syntheses*. Not only does it satisfy every legitimate requirement, whether moral, social or religious, but it is also deeply imbued at every step with a conciliatory spirit: it is at the same time liberal and authoritative, rationalistic and mystical, gentle and firm, realistic and idealistic, conservative and progressive.

However, we must not see this unity of diverse elements as a simple juxtaposition of opposites, a *sum of sums*, because in this synthesis there is not only careful proportion, hierarchy, balance and harmony, nor only the full application of reason in the service of morality in its various aspects, but more and better; it consists of a truly organic structure wherein all elements cooperate with one another and every function remains interdependent. We were able to see, earlier, how the ideal is combined with the most concrete practical reality, and how the stability of the framework is matched by flexibility of the content, the two working together so as to maintain order while allowing progress. We saw too how reason is perfected in faith and how faith has recourse to reason; how the individual, while assuming responsibility for his own actions, also ensures that communal ethics are respected; and how, on the other hand, society becomes conscious of both its transcendence and its sacred right in relation to its citizens (without demanding useless or fanatical sacrifices), and of the sovereign duty it bears to ensure that those who are underprivileged enjoy relative well-being and are not unjustly burdened.

This entire dialectical system, this entire ebb and flow, oscillates around a single principle which is central to the system and can be summed up in the concept of *piety*, itself a complex idea as it brings together the deepest respect for the ideal and the pursuit of the greatest good possible within the conditions prescribed by nature.

The benefit of a study such as this one lies in helping us to become fully

aware of what we are called upon to perform, and in making us see its merits. However, this only answers a speculative need, and constitutes only a secondary aspect of the moral problem; *one may be virtuous without being able to define virtue*. We are more in need of being shown virtue than of having it defined for us. *What must I do?* – this is the most universal and urgent question of all; this is the daily bread of the human soul. Moreover, our work would be manifestly incomplete if, after uncovering the theoretical basis and more general principles of ethics in the Qur'an, we were to ignore the towering monument of applied ethics with which this Book has left us.

Here, then, is an account of this practical ethics. We shall see how, in every sphere of life,<sup>1</sup> a way has been prepared for us to follow. It might perhaps be appropriate to add a few explanatory or comparative notes to the text, but in order not to lengthen our book, which is already quite voluminous, we shall (with one exception) content ourselves with simply setting out these extracts, which will be systematically classified according to the various headings indicated.

PRACTICAL ETHICS  
EXTRACTS FROM THE QUR'AN



# 1

## PERSONAL ETHICS

### 1 Commands

#### General instruction:

*you [people] can ask those who have knowledge if you do not know.* 16:43<sup>1</sup>

#### Moral instruction:

*Yet it is not right for all the believers to go out (in search of knowledge) together: out of each community, a group should go out to study the religion, so that they can teach their people when they return . . .* 9:122

#### Moral effort:

*Yet (man) has not attempted the steep path . . . The steep path is to free a slave, to feed at a time of hunger an orphaned relative . . .* 90:11–17

*But We shall be sure to guide to Our ways those who strive hard for Our cause* 29: 69

*Allāh has increased the guidance of those who follow the right path, and given them their awareness [of Him].* 47:17

*The ways you take differ greatly. There is the one who gives, who is mindful of Allāh, who testifies to (the) goodness (of Our Revelation) – We shall smooth his way towards ease. There is the one who is miserly, who is self-satisfied, who denies (the) goodness (of the Truth) – We shall smooth his way towards hardship.* 92:4–10

*Allāh loves those who seek to purify themselves (both morally and physically).* 9:108

#### Purity of the soul:

*By the soul and how He formed it . . . The one who purifies his soul succeeds and the one who corrupts it fails.* 91:7–10



*Tell them the story of Abraham, when he asked: . . . My Lord . . . do not disgrace me on the Day when all people are resurrected: the Day when neither wealth nor children can help, when the only one who will be saved is the one who comes before Allah with a heart devoted to Him.* 26:69–89

*But (on the Last Day) Paradise will be brought close to the righteous and will no longer be distant. (He will say to them): This is what you were promised – this is for everyone who turned often to Allah and kept Him in mind, who held the Most Gracious in awe, though He is unseen, who comes before Him with a heart turned to Him in devotion.* 50:31–3

#### Uprightness:

*your God is One. Take the straight path to Him . . .* 41:6

*So keep to the right course as you have been commanded, together with those who have turned to Allāh with you . . .* 11:112

#### Chastity, decency and aversion of the gaze:

*[Prophet], tell believing men to lower their gaze and master their senses: that is purer for them. Allāh is well aware of everything they do. And tell believing women that they should lower their gaze, master their senses, and not flaunt their charms beyond what [it is acceptable] to reveal; they should let their headscarves fall to cover their necklines and not reveal their charms except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers' sons, their sisters' sons, their womenfolk, their slaves, such men as attend them who have no sexual desire, or children who are not yet aware of physical relations; they should not stamp their feet so as to draw attention to any hidden charms . . .* 24:30–1

*Those who are unable to marry should keep chaste until Allāh gives to them out of His bounty . . .* 24:33

*No blame will be attached to elderly women who no longer hope to marry, if they take off their outer garments without flaunting their charms, but it is preferable for them not to do this . . .* 24:60

*The believers will succeed: those who pray humbly, who shun idle talk, who pay the prescribed alms, who guard their chastity except with their spouses or their slaves – with these they are not to blame, but anyone who seeks more than this is exceeding the limits.* 23:1–7

*Wives of the Prophet . . . do not flaunt your attractions as they used to in the*

*pagan past . . . Allāh wishes to keep uncleanness away from you, people of the [Prophet's] house, and make you completely pure.* 33:32-3

#### Restraint of the desires:

*For he who controls his faculties and restrains his desires, Paradise will be his home.* 79:40-1

*Do not follow your desires, lest they divert you from Allāh's path . . .* 38:26

*You who believe . . . Refrain from following your own desire, so that you can act justly - if you distort or neglect justice, Allāh is fully aware of what you do.* 4:135

#### Periodical abstention from food and sex:

*You who believe, fasting is prescribed for you, as it was prescribed for those before you, in order to safeguard your souls (or in order that you may have piety). Fast for a specific number of days . . . It was in the month of Ramadan that the Qur'an was revealed as guidance for mankind, clear messages giving guidance and distinguishing between right and wrong. So any one of you who is present that month should fast, and anyone who is ill or on a journey should make up for the lost days by fasting on other days later . . . fast (from dawn) until nightfall. Do not lie with your wives during the nights of your devotional retreat in the mosques: these are the bounds set by Allāh, so do not go near them . . .* 2:183-5, 187

*They ask you [Prophet] about menstruation. Say: Menstruation is an impure state, so keep away from women during it. Do not approach them until they are cleansed . . .* 2:222

#### Restraint of anger:

*(Paradise has been) prepared for the righteous, who give, both in prosperity and adversity, who restrain their anger and pardon people - Allāh loves those who do good.* 3:133

#### Sincerity:

*You who believe, be mindful of Allāh: stand with those who are true.* 9:119

*Believers, be mindful of Allāh, speak in a direct fashion and to good purpose.* 33:70

*The one who brings the truth and the one who accepts it as true, they are the virtuous.* 39:33

## Modesty and gentleness:

*Go at a moderate pace and lower your voice, for the ugliest of all voices is the braying of asses.* 31:19

*The servants of the Lord of Mercy are those who walk humbly on the earth . . .* 25:63

## Circumspection of judgement:

*Believers, do not indulge many of your suspicions – some suspicions are sinful.* 49:12

*Believers, if a troublemaker brings you news, verify it first, in case you wrong others unwittingly and later regret what you have done.* 49:6

*So, you who believe, be careful when you go to fight in Allāh's way, and do not say to someone who offers you a greeting of peace: You are not a believer – out of desire for the chance gains of this life . . . be careful: Allāh is fully aware of what you do.* 4:94

## Forbearance when in doubt:

*Do not follow blindly what you do not know to be true: ears, eyes, and heart, you will be questioned about all these.* 17:36

## Constancy and endurance:

*Be constant, enduring, devoted to Allāh.* 74:7

*So [Prophet] be constant: your constancy comes only from Allāh . . .* 16:127

*You who believe, be constant, more constant than others . . .* 3:200

*Do you suppose that you will enter the Garden without first having suffered like those before you?* 2:214

*We tested those who went before them: Allāh will certainly mark out which ones are truthful and which are lying.* 29:3

*There are some people who say: we believe in Allāh. But, when they suffer for His cause, they think that human persecution is as severe as Allāh's punishment . . .* 29:10

*You are sure to be tested through your possessions and persons; you are sure to hear much that is hurtful from those who were given the Scripture before you*

*and from those who associate others with Allah. If you are steadfast and mindful of Allāh, that is the best course.* 3:186

*We shall certainly test you with fear and hunger, and loss of property, lives, and crops. But [Prophet], give good news to those who are steadfast.* 2:155

#### Conformity with good examples:

*Be steadfast [Muhammad], like those messengers of firm resolve.* 46:35

*The Messenger of Allāh is an excellent model for those of you who put your hope in Allāh and believe in the Last Day...* 33:21

*You who believe, be Allāh's helpers. As Jesus, son of Mary, said to the disciples: Who will come with me to help Allāh? The disciples said: We shall be Allāh's helpers...* 61:14

#### Keeping to the middle way:

*[Prophet], do not be too loud in your prayer, or too quiet, but seek a middle way.* 17:110

*The servants of the Merciful are those who are neither wasteful nor niggardly when they spend, but keep to a just balance.* 25:67

*do not be tight-fisted, nor open-handed...* 17:29

*He has set the balance. Do not exceed the measure - weigh with justice - and do not fall short in the balance.* 55:7

#### Beautiful deeds:

*It is He who created the heavens and the earth... so as to test which of you does the most beautiful deeds.* 11:7

*We have adorned the earth with attractive things so that We may test people to find out which of them do best.* 18:7

*Exalted is He... who created death; who created life to test you [people] and reveal which of you performs best...* 67:1-2

#### Competition to do good:

*Each community has its own direction to which it turns: race to do good deeds...* 2:148

*We have assigned a law and a path to each of you. If Allāh had so willed, He would have made you one community, but He wanted to test you through that which He has given you, so race to do good (or better): you will all return to Allāh and He will make clear to you the matters you differed about.* 5:48

The ability to listen and choose the best advice:

*[Prophet] give good news to My servants who listen to what is said and follow what is best . . .* 39:17–18

Purity of intention:

*Whatever charity you give benefits your own soul, provided you do it for the sake of Allāh . . .* 2:272

*There is no good in most of their secret talk, only in commanding charity, or good, or reconciliation between people. To anyone who does these things, seeking to please Allah, We shall give a rich reward.* 4:114

## 2 Prohibitions

Suicide, self-mutilation and disfiguring one's own body:

*Do not contribute to your destruction with your own hands. . .* 2:195

*Do not kill each other . . .* 4:29

*there is no altering Allāh's creation . . .* 30:30

*'I will mislead them (said Satan) . . . I will command them to slit the ears of cattle; I will command them to tamper with Allāh's creation.' Whoever chooses Satan as a patron instead of Allāh is utterly ruined.* 4:119

Lying:

*shun false utterances.* 22:30

*Falsehood is fabricated only by those who do not believe in Allāh's revelation: they are the liars.* 16:105

Hypocrisy:

*There is [a kind of] man whose views on the life of this world may please you [Prophet], he even calls on Allāh to witness what is in his heart, yet he is the bitterest of opponents . . . Hell is enough for him: a dreadful resting place.* 2:204–6

## Actions that contradict words:

*How can you tell people to do what is right and forget to do it yourselves, even though you recite the Scripture? Have you no sense?* 2:44

*You who believe, why do you say things and then do not do them? It is most hateful to Allāh that you say things and then do not do them.* 61:2-3

## Greed:

*those who are saved from their own souls' greed are truly successful.* 59:9

*Satan threatens you with the prospect of poverty (so as to dissuade you from generosity) and commands you to do foul (avaricious) deeds; Allāh promises you His forgiveness and His abundance: Allāh is limitless and all knowing.* 2:268

*Allāh does not like . . . those who are avaricious and order other people to be the same* 4:36-7

## Prodigality:

*do not be prodigal: those who squander are the brothers of Satan . . .* 17:26-7

## Ostentation:

*(Allāh does not like those) who spend their wealth to show off . . .* 4:38

*So woe to those who pray but are heedless of their prayer; those who show off.* 107:4-6

## Haughty behaviour:

*and do not walk about the place arrogantly, for Allāh does not love arrogant or boastful people.* 31:18

*Do not strut arrogantly about the earth: you cannot break it open, nor match the mountains in height.* 17:37

## Pride, vanity and arrogance:

*(Allāh) does not love the arrogant.* 16:23

*[Prophet], have you considered those who claim purity for themselves? No! Allāh purifies whoever He will . . .* 4:49

*(Allāh) knows you better than anyone. (He has known you from the time of your origin), from the time He produced you from the earth and from your hiding places in your mothers' wombs, so do not justify yourselves . . .* 53:32

#### Pride in personal power or knowledge:

*Tell them the parable of two men: for one of them We made two gardens of grape vines, surrounded them with date palms, and put corn fields in between; both gardens yielded fruit and did not fail in any way; We made a stream flow through them, and so he had abundant fruit. One day, while talking to his friend, he said: I have more wealth and a larger following than you. He went into his garden and wronged himself by saying: I do not think this will ever perish, or that the last hour will ever come . . . His companion retorted: Have you no faith in Him who created you . . . If only, when you entered your garden, you had said: This is Allāh's will. There is no power not [given] by Allāh. Although you see I have less wealth and offspring than you, my Lord may well give me something better than your garden, and send thunderbolts on your garden from the sky, so that it becomes a heap of barren dust; . . . And so it was: his fruit was completely destroyed, and there he was, wringing his hands over what he had invested in it . . . and saying: I wish I had not set up any partner to my Lord.* 18:32-42

*But (Qarun) answered: This wealth was given to me on account of the knowledge I possess. Did he not know that Allāh had destroyed many generations before him, who had greater power than him and built up greater wealth? . . .* 28:78

*When messengers came to (the powerful ones of antiquity) with clear signs, they revelled in the knowledge they had, and so they were engulfed by the very punishment they mocked.* 40:83

#### Attachment to this world:

*Be steadfast along with those who pray to their Lord morning and evening, seeking His approval, and do not let your eyes turn away from them out of desire for the attractions of this worldly life . . .* 18:28

*And do not gaze longingly at what We have given some of them to enjoy, the flowers with which We have adorned the path of this present life: We test them through this, but the provision of your Lord is better and more lasting.* 20:131

#### Jealousy and covetousness:

*Why do they envy [other] people for the bounty Allāh has granted them? . . .* 4:54

*Do not covet what Allāh has given to some of you more than others – men have the portion they have earned and women their portion – you should rather ask Allāh for some of His bounty . . .* 4:32

Pointless regret or excessive rejoicing:

*you may not grieve for what you missed or for what happened to you.* 3:153

*So you need not grieve for what you miss or rejoice in what you gain.* 57:23

Debauchery:

*And do not go anywhere near adultery: it is an outrage, and an evil path.* 17:32

*Strike the adulteress and the adulterer one hundred times (with the lash).* 24:2

The use of wine and other impure practices:

*You who believe, intoxicants and gambling, idolatrous practices, and [divining with] arrows are repugnant acts – Satan’s doing: shun them so that you may prosper. With intoxicants and gambling, Satan seeks only to incite enmity and hatred among you, and to stop you remembering Allāh and prayer. Will you not give them up?* 5:90–1

*(My mercy is ordained for those) who follow the Messenger – the unlettered Prophet they find described in the Torah that is with them, and in the Gospel – who commands them to do right and forbids them to do wrong, who makes good things lawful to them and bad things unlawful . . .* 7:157

*He has only forbidden you carrion, blood, pig’s meat, and animals over which any name other than Allāh’s has been invoked (during its slaughter) . . .* 2:173

Any moral or physical pollution:

*Allāh loves those who seek to purify themselves.* 9:108

*cleanse yourself; keep away from all filth.* 74:4–5

The use of ill-gotten gains:

*You who believe, do not wrongfully consume each other’s wealth but trade by mutual consent.* 4:29



*Do not consume your property wrongfully, nor use it to bribe judges, intending sinfully and knowingly to consume parts of other people's property.* 2:188

*But those who take usury will rise up on the Day of Resurrection like someone tormented by Satan's touch. That is because they say: Trade and usury are the same. But Allāh has allowed trade and forbidden usury. Whoever, on receiving Allah's warning, stops taking usury may keep his past gains - Allāh will be his judge - but whoever goes back to usury will be an inhabitant of the Fire, there to remain. Allāh blights usury, but blesses charitable deeds with multiple increase ...* 2:275-6

*if the guardian is well off he should abstain from the orphan's property, and if he is poor he should use only what is fair ...* 4:6

*Those who consume the property of orphans unjustly are actually swallowing fire into their own bellies: they will burn in the blazing Flame.* 4:10

*As for those who conceal the Scripture that Allāh sent down and sell it for a small price, they only fill their bellies with Fire. Allāh will not speak to them on the Day of Resurrection, nor will He purify them: an agonizing torment awaits them.* 2:174

*do not force your slave-girls into prostitution ... in your quest for the short-term gains of this world ...* 24:33

#### Bad management:

*Do not entrust to the simple-minded any of their property for which Allāh has made you responsible, but provide for them and clothe them out of it ...* 4:5

#### 3 Authorisations

##### Moderate use of good things:

*You who believe, do not forbid the good things Allāh has made lawful to you - do not exceed the limits: Allāh does not love those who exceed the limits - but eat the lawful and good things that Allāh provides for you. Be mindful of Allāh, in whom you believe.* 5:87-8

*You who believe, eat the good things We have provided for you and be grateful to Allāh ...* 2:172

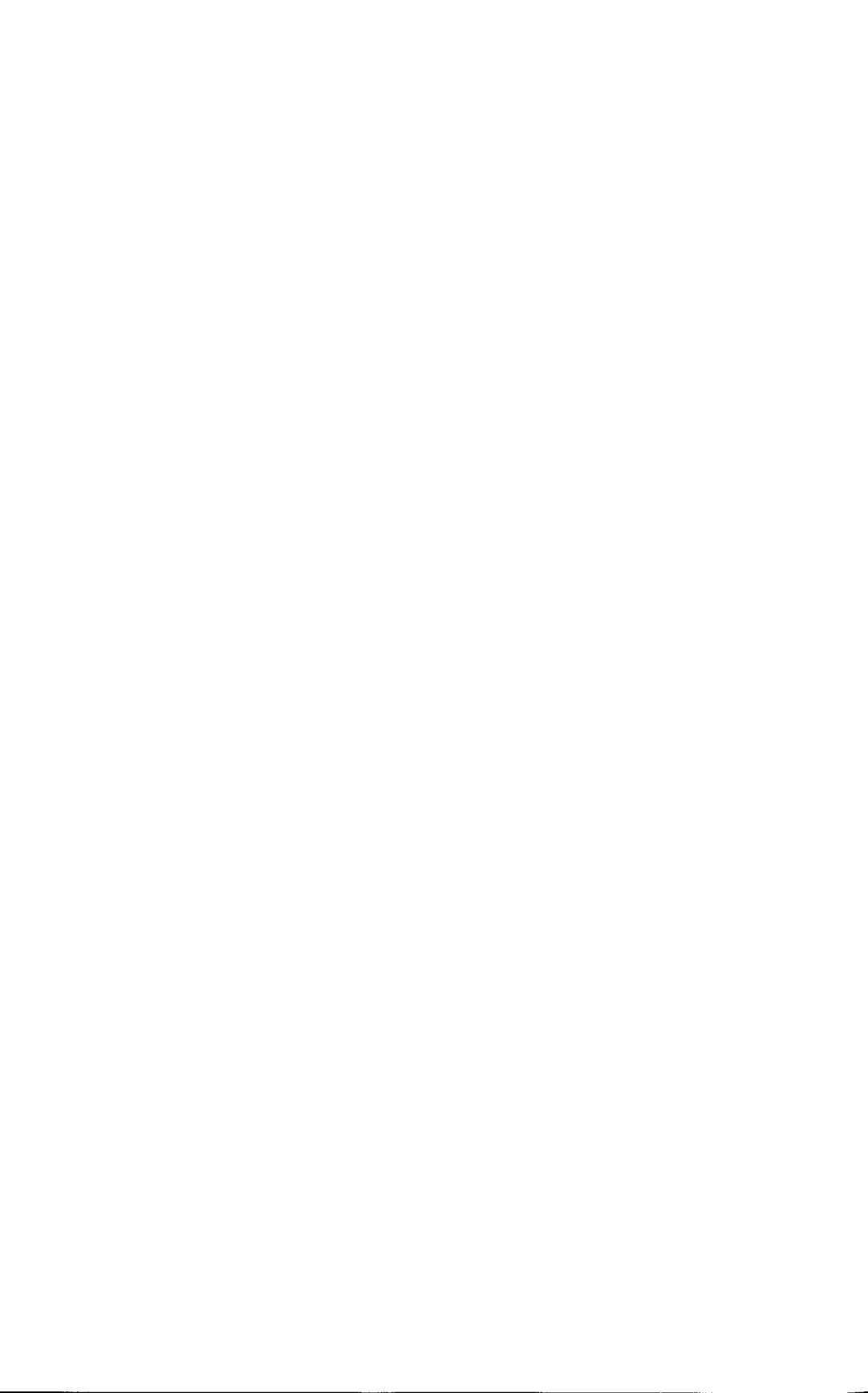
*Children of Adam, We have given you garments to cover your nakedness - and as adornment for you; the garment of virtue is the best of all garments ...* 7:26

*Children of Adam, dress well whenever you are at worship, and eat and drink [as We have permitted] but do not be wasteful: Allāh does not like wasteful people. Say [Prophet]: Who has forbidden the adornment and the nourishment Allāh has provided for His servants? Say: They are given for the benefit of those who believe during the life of this world: they will be theirs alone on the Day of Resurrection.* 7:31

#### 4 Derogation in times of necessity

*Allāh has already fully explained what he has forbidden you, except when forced by hunger . . .* 6:119

*But if anyone is forced to eat such things by hunger, rather than desire or excess, he commits no sin . . .* 2:173



## 2

# FAMILY ETHICS

### 1 Duties towards forebears and offspring

Benevolence, humility and obedience to one's parents:

*Be good to your parents and to relatives . . .*

4:36

*Your Lord has commanded that you . . . be kind to your parents. If either or both of them reach old age with you, say no word that shows impatience with them, and do not be harsh with them, but speak to them respectfully and, out of mercy, lower your wing in humility towards them and say: Lord, have mercy on them, just as they cared for me when I was little.*

17:23-4

*We have commanded people to be good to their parents. Their mothers carried them, with strain upon strain, and it takes two years to wean them. Give thanks to Me and to your parents - (know that) all will return to Me. But if they strive to make you associate with Me anything about which you have no knowledge, then do not obey them. Yet keep their company in this life according to what is right . . .*

31:14-15

Respect for the lives of children:

*do not kill your children in fear of poverty - We will provide for you and for them*

6:151

*Do not kill your children for fear of poverty - We shall provide for them and for you - killing them is a great sin.*

17:31

*when the baby girl buried alive is asked for what sin she was killed . . . then every soul will know what it has brought about.*

81:8-14

The moral education of children and the family in general:

*Prophet, tell your wives, your daughters, and women believers to make their outer garments hang low over them . . .*

33:59

*Believers, guard yourselves and your families against a Fire fuelled by people and stones* 66:6

## 2 Duties towards one's spouse

### *A The constitution of marriage*

#### Prohibited unions:

*Do not marry women that your fathers married . . .* 4:22

*You are forbidden to take as wives your mothers, daughters, sisters, paternal and maternal aunts, the daughters of brothers and daughters of sisters, your milk-mothers and milk-sisters, your wives' mothers, the stepdaughters in your care – those born of women with whom you have consummated marriage, if you have not consummated the marriage, then you will not be blamed – wives of your begotten sons, two sisters simultaneously . . . women already married, other than your slaves . . .* 4:23–4

*Do not marry idolatresses until they believe: a believing slave woman is certainly better than an idolatress, even though she may please you. And do not give your women in marriage to idolaters until they believe: a believing slave is certainly better than an idolater, even though he may please you. Such people call [you] to the Fire, while Allāh calls [you] to the Garden . . .* 2:221

*The adulterer is only [fit] to marry an adulteress or an idolatress, and the adulteress is only [fit] to marry an adulterer or an idolater: such behaviour is forbidden to believers.* 24:3

#### Permissible unions:

*Other women are lawful to you, so long as you seek them in marriage, with gifts from your property, looking for wedlock rather than fornication. If any of you does not have the means to marry a believing free woman, then marry a believing slave . . . So marry them with their people's consent and their proper dowries . . . Only those of you who fear that they will sin should marry slaves; it is better for you to practise self-restraint . . .* 4:24–5

*Today all good things have been made lawful for you . . . So are chaste, believing, women as well as chaste women of the people who were given the Scripture before you . . .* 5:5

#### Required or recommended qualities:

*Righteous wives are devout and guard what Allāh would have them guard in their husbands' absence . . .* 4:34

*(To the Prophet's wives:) His Lord may well replace you with better wives if the Prophet decides to divorce any of you: wives who are devoted to Allāh, true believers, devout, who turn to Him in repentance and worship Him . . .* 66:5

*Prophet, say to your wives: If your desire is for the present life and its finery, then come, I will make provision for you and release you with kindness, but if (on the contrary) you desire Allāh, His Messenger, and the Final Home, then remember that Allāh has prepared great rewards for those of you who do good.* 33:28

#### Free and mutual consent:

*You who believe, it is not lawful for you to inherit women against their will . . .* 4:19

*When you divorce women and they have reached their set time, do not prevent them from remarrying their husbands if they both agree to do so in a fair manner . . .* 2:232

#### Dowry:

*Give women their dowry as a gift upon marriage, though if they are happy to give up some of it for you, you may enjoy it with clear conscience.* 4:4

*Today all good things have been made lawful for you . . . so are chaste, believing, women as well as chaste women of the people who were given the Scripture before you, as long as you have given them their dowries . . .* 5:5

*Give women with whom you have lived their promised dowry - this is obligatory - though if you should choose mutually, after fulfilling this obligation, to do otherwise [with the dowry], you will not be blamed . . .* 4:24

#### Conditions for polygamy:

*If you fear that you will not deal fairly with orphan girls (do not marry them), you may marry whichever [other] women seem good to you, two, three, or four (rather than oppressing an orphan girl). If you fear that you cannot be equitable [to them], then marry only one, or your slave(s) (a rule which does not apply to captives): that is more likely to make you avoid bias.<sup>1</sup>* 4:3

#### B Married life

##### Sacred and venerated bonds:

*People, be mindful of your Lord, who created you from a single soul, and from it created its mate, and from the pair of them spread countless men and women far*

*and wide . . . Beware of severing the ties of kinship: Allāh is always watching over you.* 4:1

## The aims of marriage

### i. Inner peace, affection and compassion:

*Another of His signs is that He created spouses from among yourselves for you to live within tranquillity: He ordained love and kindness between you . . .* 30:21

### ii. Propagation of the species:

*Your women are your fields . . .* 2:223

*And it is Allāh who has given you spouses from amongst yourselves and through them He has given you children and grandchildren . . .* 16:72

### Equity of rights and duties:

*Wives have [rights] similar to their [obligations], according to what is recognised to be fair, and husbands have a degree [of right] over them . . .* 2:228

*Husbands should take full care of their wives, with [the bounties] Allāh has given to some more than others and with what they spend out of their own money.* 4:34

### Discussion and mutual agreement:

*Mothers suckle their children for two whole years, if they wish to complete the term . . . If, by mutual consent and consultation, the couple wish to wean [the child], they will not be blamed, nor will there be any blame if you wish to engage a wet nurse, provided you pay as agreed in a fair manner . . .* 2:233

### Humane consultation:

*(Spouses) . . . Consult together in a good way . . .* 65:6

### To live harmoniously, even in cases of mutual antipathy:

*Live with your wives in accordance with what is fair and kind: if you dislike them, it may well be that you dislike something in which Allāh has put much good.* 4:19

*You will never be able to treat your wives with equal fairness, however much you may desire to do so, but do not ignore one wife altogether, leaving her suspended*

*[between marriage and divorce]. If you make amends and remain conscious of Allāh, He is most forgiving and merciful.* 4:129

#### Reconciliation in cases of conflict:

*If a wife fears high-handedness or alienation from her husband, neither of them will be blamed if they come to a peaceful settlement, for reconciliation is better. Human souls tend towards selfishness, but if you do good and are mindful of Allāh, He is well aware of all that you do.* 4:128

#### Arbitration:

*If you [believers] fear that a couple may separate, appoint one arbiter from his family and one from hers. Then, if the couple (sincerely) want to put things right, Allāh will bring about a reconciliation between them . . .* 4:35

#### C Divorce

##### Separation as a last resort:

*For those who swear that they will not approach their wives, there shall be a waiting period of four months: if they go back, remember Allāh will be most forgiving and merciful, but if they are determined to divorce, remember that Allāh hears and knows all.* 2:226–7

#### Waiting period:

*Divorced women must wait for three monthly periods before remarrying . . . their husbands have more right (than other men) to take them back during this period provided they wish to put things right . . .* 2:228

#### Accommodation and fair treatment, when in the hope of reconciliation:

*Prophet, when any of you intend to divorce women, do so at a time when their prescribed waiting period can properly start, and calculate the period carefully: be mindful of Allāh, your Lord. Do not drive them out of their homes – nor should they themselves leave – unless they commit a flagrant indecency . . . for you cannot know what new situation Allāh may perhaps bring about.* 65:1

*House the wives you are divorcing according to your means, in the same way you house yourselves, and do not harass them so as to make their lives difficult. If they are pregnant, maintain them until they are delivered of their burdens; if they suckle your infants, pay them for it. Consult together (about everything) in a good way . . .* 65:6



There is no obligatory waiting period for a woman divorced prior to cohabitation:

*Believers, you have no right to expect a waiting period when you marry believing women and then divorce them before you have touched them: make provision for them and release them in an honourable way.* 33:49

After the waiting period, either reconcile with good intentions:

*When you divorce women and they have reached their set time, then either keep (them, without looking back) or release them in a fair manner. Do not hold on to them with intent to harm them and commit aggression: anyone who does this wrongs himself. Do not make a mockery of Allāh's revelations; remember the favour He blessed you with, and the Scripture and wisdom He sent to teach you ...* 2:231

or grant separation allowing re-marriage:

*When you divorce women and they have reached their set time, do not prevent them from remarrying their husbands if they both agree to do so in a fair manner ...* 2:232

Do not make demands on a repudiated wife:

*If you wish to replace one wife with another, do not take any of her dowry back, even if you have given her a great amount of gold. How could you take it when this is unjust and a blatant sin?* 4:20

Divorce is not binding until the third time:

*Divorce (entailing these same rights and duties) can happen twice ... If a husband re-divorces his wife after the second divorce, she will not be lawful for him until she has taken another husband; if that one divorces her, there will be no blame if she and the first husband return to one another, provided they feel that they can keep within the bounds set by Allāh ...* 2:229–30

Compensation for non-dowried divorcees:

*You are not obliged to dower a woman that you have divorced when you have not yet consummated the marriage or fixed a dowry for them, but make fair provision for them, the rich according to his means and the poor according to his – this is a duty for those who do good. If you divorce wives before consummating the marriage but after fixing a dowry for them, then give them half of what you had previously fixed, unless they waive [their right], or unless the one who holds*

*the marriage tie waives [his right]. Waiving [your right] is nearer to piety, so do not forget to be generous towards one another: Allāh sees what you do.* 2:236-7

#### Compensation for all divorcees:

*Divorced women shall also have such maintenance as is considered fair: this is a duty for those who are mindful of Allāh.* 2:241

#### 3 Duties towards close relatives

##### Sharing one's blessings:

*Carry out your sacred duty to your near relatives . . .* 30:38

##### Bequests:

*When death approaches one of you and he leaves wealth, it is prescribed that he should make a proper bequest to parents and close relatives - a duty incumbent on those who are mindful of Allāh.* 2:179-80

#### 4 Inheritance

Inheritance rights are not reserved for males, eldest sons, or direct descendants:

*Men shall have a share in what their parents and closest relatives leave, and women shall have a share in what their parents and closest relatives leave, whether the legacy be small or large: this is ordained by Allāh.* 4:7

##### Rules of distribution:

*Concerning your children, Allāh commands you that a son should have the equivalent share of two daughters. If there are only daughters, two or more should share two-thirds of the inheritance, if one, she should have half. Parents inherit a sixth each if the deceased leaves children; if he leaves no children and his parents are his sole heirs, his mother has a third, unless he has brothers, in which case she has a sixth. [In all cases, the distribution comes] after payment of any bequests or debts . . .* 4:11

*You inherit half of what your wives leave, if they have no children; if they have children, you inherit a quarter. [In all cases, the distribution comes] after payment of any bequests or debts. If you have no children, your wives' share is a quarter; if you have children, your wives get an eighth. [In all cases, the distribution comes] after payment of any bequests or debts. If a man or a woman dies leaving no children or parents, but a single brother or sister, he or she should take one-sixth of the inheritance; if there are more siblings, they share one-third*

*between them. [In all cases, the distribution comes] after payment of any bequests or debts, with no harm done to anyone: this is a commandment from Allāh, and He is all knowing and benign to all.* 4:12

*If a man leaves a sister, she is entitled to half of the inheritance; if she has no child her brother is her sole heir; if there are two sisters, they are entitled to two-thirds of the inheritance between them, but if there are surviving brothers and sisters, the male is entitled to twice the share of the female. Allāh makes this clear to you so that you may not make mistakes . . .* 4:176

Finally, any inheritance is a gift from God, not a right:

*Do not covet what (material inheritance) Allāh has given to some of you more than others - men have the portion they have earned and women their portion . . .* 4:32

# 3

## SOCIAL ETHICS

### 1 Prohibitions

#### Homicide:

*do not take the life Allāh has made sacred, except by right . . .* 6:151

*On account of this, We decreed to the children of Israel that if anyone kills a person – unless he is a murderer or terrorist – it is as if he kills all mankind, while if any saves a life it is as if he saves the lives of all mankind . . .* 5:32

*Never should a believer kill another believer, except by mistake. If anyone kills a believer by mistake he must free one Muslim slave and pay compensation to the victim's relatives, unless they charitably forgo it . . . If anyone kills a believer deliberately, the punishment for him is Hell, and there he will remain: Allāh is angry with him, and rejects him, and has prepared a tremendous torment for him.* 4:92–3

*You who believe, fair retribution is prescribed for you in cases of murder: the free man for the free man, the slave for the slave, the female for the female. But if the guilty is pardoned by his aggrieved brother (the father of the victim), this shall be adhered to fairly, and the culprit shall pay what is due in a good way. This is an alleviation from your Lord and an act of mercy . . . Fair retribution saves life for you, people of understanding . . .* 2:178–9

#### Theft:

*Cut off the hands of thieves, whether they are male or female . . .* 5:38

#### Fraud:

*Woe to those who give short measure, who demand of other people full measure for themselves (when buying), but when selling give less than they should when it is they who weigh or measure for others!* 83:1–3

## Lending with interest:

*You who believe, beware of Allāh: give up any outstanding dues from usury, if you are true believers. If you do not, then be warned of war from Allāh and His Messenger. If you repent you shall have your capital. This way, you will wrong no-one, neither will you be wronged.* 2:278-9

## Cheating of any kind:

*do not deduct what is owed to people . . .* 7:85

## Illegal gain of any kind:

*You who believe, do not wrongfully consume each other's wealth but trade by mutual consent . . .* 4:29

## The embezzling of orphans' property, in particular:

*Give orphans their property (when they come of age), do not replace good things with bad (by substituting those good things the orphans own with bad things in your possession), and do not consume their property with your own - a serious crime . . . do not consume it wastefully before they come of age . . .* 4:26

## Betrayal or abuse of trust:

*Believers, do not betray Allāh and the Messenger, or knowingly betray others (by committing an abuse of trust).* 8:27

## Unjustified insults:

*and those who undeservedly insult believing men and women will bear the responsibility of slander and obvious sin.* 33:58

## Iniquity:

*Misery for those who will carry their burden of iniquity . . .* 20:111

*(Allāh) does not like those who are unjust.* 42:40

*If any of you commits an iniquity, We shall make him taste agonising punishment.* 25:19

## Complicity in sin:

*do not help one another towards sin and hostility . . .* 5:2

#### Defence of the guilty:

*Do not be an advocate for those who betray trust . . . Do not argue for those who betray their own souls: Allāh does not love anyone given to treachery and sin.* 4:105,107

#### Breaking of promises:

*do not break oaths after you have sworn them, for you have made Allāh your surety . . .* 16:91

*There are people of the Book who, if you [Prophet] entrust them with a heap of gold, will return it to you intact, but there are others of them who, if you entrust them with a single dinar, will not return it to you unless you keep standing over them, because they say: We are under no obligation towards the gentiles - they tell a lie against Allāh and they know it. No indeed! Allāh loves those who keep their pledges and are mindful of Him, but those who sell out Allāh's covenant and their own oaths for a small price will have no share in the life to come. Allah will neither speak to them nor look at them on the Day of Resurrection - He will not cleanse them [of their sins] - agonising torment awaits them.* 3:75-7

#### Perfidy and deception:

*Allāh does not love the liars and the wrongdoers. They try to hide themselves from people, but they cannot hide from Allāh . . .* 4:107-8

#### Deception or corruption of judges:

*Do not consume your property wrongfully, nor use it to bribe or deceive judges, intending sinfully and knowingly to consume parts of other people's property.* 2:188

#### False witness:

*shun false utterances.* 22:30

#### Dissimulation:

*Do not conceal evidence: anyone who does so has a sinful heart . . .* 2:283

*As for those who hide the proofs and guidance We send down, after We have made them clear to people in the Scripture, Allāh curses them, and they are cursed by every nation.* 2:159

## Abuse:

*Allāh does not like bad words to be made public unless someone has been wronged: He is all hearing and all knowing. If you do good, openly or in secret, or if you pardon something bad (which, on the contrary, pleases Him), then Allāh is most forgiving and powerful.* 4:148-9

## Maltreatment of the poor and orphans:

*So do not be harsh with the orphan and do not chide the one who asks for help.* 93:9-10

## Derision:

*Believers, no one group of men should jeer at another, who may after all be better than them; no one group of women should jeer at another, who may after all be better than them; do not speak ill of one another; do not use offensive nicknames for one another. How bad it is to be called a mischief-maker after accepting faith! Those who do not repent of this behaviour are evildoers.* 49:11

## Haughty behaviour:

*Do not turn your nose up at people, nor walk about the place arrogantly, for Allāh does not love arrogant or boastful people.* 31:18

## Spying:

*do not spy on one another . . .* 49:12

## False words and calumny:

*Woe to every fault-finding backbiter.* 104:1

*Believers . . . do not speak ill of people behind their backs: would any of you like to eat the flesh of your dead brother?* 49:12

*You who believe, when you converse in secret, do not do so in a way that is sinful, hostile, and disobedient to the Messenger, but in a way that is good and mindful [of Allāh] . . .* 58:9

## Malicious rumours and complicity in believing them:

*Believers, if a troublemaker brings you news, verify it first, in case you wrong others unwittingly and later regret what you have done.* 49:6

## Slander:

*As for those who accuse chaste women of fornication, and then fail to provide four witnesses, strike them eighty times, and reject their testimony ever afterwards: they are the lawbreakers, except for those who repent later and make amends: to these Allāh is most forgiving and merciful.* 24:4-5

*When you took it up with your tongues, and spoke with your mouths things you did not know [to be true], you thought it was trivial but to Allah it was very serious. When you heard the lie, why did you not say: We should not repeat this - Allāh forbid! - It is a monstrous slander? Allāh warns you never to do anything like this again, if you are true believers . . . A painful punishment waits in this world and the next for those who like indecency to spread among the believers . . .* 24:15-19

*On the Day when their own tongues, hands, and feet will testify against them about what they have done - on that Day, Allāh will pay them their just due in full - and they will realise that Allāh is the Truth that makes everything clear.* 24:24-5

## Harmful intervention:

*Whoever intervenes to harm a third person will share in its burden: Allāh controls everything.* 4:85

## Indifference to public wickedness:

*Those Children of Israel who defied [Allāh] were rejected through the words of David and Jesus, son of Mary, because they . . . did not forbid each other to do wrong - how vile their deeds were!* 5:78-9

## 2 Commands

## To return deposits:

*Allāh commands you [people] to return things entrusted to you to their rightful owners . . .* 4:58

*let the one who is trusted fulfil his trust . . .* 2:283

## To legalise transactions so as to prevent doubt:

*You who believe, when you contract a debt for a stated term, put it down in writing: have a scribe write it down justly between you. No scribe should refuse to write: let him write as Allāh has taught him, let the debtor dictate, and let him*



*fear Allāh, his Lord, and not diminish [the debt] at all. If the debtor is feeble-minded, weak, or unable to dictate, then let his guardian dictate justly. Call in two men as witnesses. If two men are not there, then call one man and two women out of those you approve as witnesses, so that if one of the two women should forget the other can remind her. Let the witnesses not refuse when they are summoned. Do not disdain to write the debt down, be it small or large, along with the time it falls due: this way is more equitable in Allāh's eyes, more reliable as testimony, and more likely to prevent doubts arising between you. But if the merchandise is there and you hand it over, there is no blame on you if you do not write it down. Have witnesses present whenever you trade with one another, and let no harm be done to either scribe or witness, for if you did cause them harm, it would be a crime on your part. Be mindful of Allāh, and He will teach you: He has full knowledge of everything. If you are on a journey, and cannot find a scribe, something should be handed over as security, but if you decide to trust one another, then let the one who is trusted fulfil his trust . . .* 2:282-3

To fulfil undertakings and promises:

*You who believe, fulfil your obligations . . .* 5:1

*Honour your contracts; your contracts will be asked about* 17:34

*The truly good are those who believe in Allāh . . . those who keep up the prayer and pay the prescribed alms; who keep pledges whenever they make them . . .* 2:177

*Only those with understanding will profit from these teachings: those who fulfil the agreements they make in Allāh's name and do not break their pledges.* 13:19-20

To give fair testimony:

*when you speak, be just, even if it concerns a relative.* 6:152

*You who believe, uphold justice and bear witness to Allāh, even if it is against yourselves, your parents, or your close relatives. Whether the person is rich or poor, Allāh can best take care of both . . .* 4:135

To establish peace between people:

*The believers are brothers, so make peace between your two brothers and be mindful of Allāh, so that you may be given mercy.* 49:10

*so be conscious of Allāh and make things right between you . . .* 8:1

*There is no good in most of their secret talk, only in commanding charity, or good, or reconciliation between people . . .* 4:114

To intercede on the behalf of others:

*Whoever intercedes for a good cause will share in its benefits . . .* 4:85

but not in favour of criminals:

*Do not be an advocate for those who betray trust . . .* 4:105–7

Mutual compassion and humility:

*Muhammad is the Messenger of Allāh. Those who follow him are harsh towards the (aggressive) disbelievers and compassionate towards each other . . .* 48:29

*humble towards the believers, hard on the disbelievers (who attack them) . . .* 5:54

*and are among those who believe and urge one another to steadfastness and compassion. Those who do this will be on the right-hand side.* 90:17–18

Generosity, especially to the weak:

*They ask you [Prophet] what they should give. Say: Whatever you give should be for parents, close relatives, orphans, the needy, and travellers (who are cut off from their resources). Allāh is well aware of whatever good you do.* 2:215

*Be good to your parents, to relatives, to orphans, to the needy, to neighbours near and far, to travellers in need, and to your slaves . . .* 4:36

To manage orphans' estates:

*They ask you about [the property of] orphans. Say: It is good to set things right for them. If you combine their affairs with yours, remember they are your brothers and sisters: Allāh knows those who spoil things and those who improve them . . .* 2:220

To emancipate slaves:

*The truly good are those who believe in Allāh . . . who give away some of their wealth, however much they cherish it, . . . to liberate those in bondage . . .* 2:177

*What will explain to you what the steep path is? It is to free a slave.* 90:12–13

or to facilitate their emancipation:

*If any of your slaves wish to pay for their freedom, make a contract with them accordingly, if you know they have good in them, and give them some of the wealth Allāh has given you . . .*<sup>1</sup> 24:33

To forgive:

*(Paradise is) prepared for the righteous . . . who restrain their anger and pardon people – Allāh loves those who do good,* 3:133–4

*who forgive when they are angry* 42:37

or, at least, not to exceed the offence in response:

*and who defend themselves when they are oppressed, for the offence merits an equal response, though anyone who forgives and puts things right will have his reward from Allāh Himself . . . There is no cause to act against anyone who defends himself after being wronged . . . though if a person is patient and forgives, this is one of the greatest things.* 42:39–43

To repay evil with good:

*[those] who repel evil with good. These will have the reward of the [true] home.* 13:22

*Good and evil cannot be equal. [Prophet], repel evil with what is better and your enemy will become as close as an old and valued friend.* 41:34

To exhort to do good and dissuade from evil:

*help one another to do what is right and good . . .* 5:2

*Be a community that calls for what is good, urges what is right, and forbids what is wrong: those who do this are the successful ones.* 3:104

*I swear by the declining day that man is running towards his ruin, except for those who believe, do good deeds, urge one another to the truth, and urge one another to steadfastness.* 103:1

To disseminate knowledge:

*Messenger, proclaim everything that has been sent down to you from your Lord . . .* 5:67

*and do not chide the one who asks for help; talk about (the knowledge you have received through) the blessings of your Lord.* 93:10

*out of each community, a group should go out to study the religion, so that they can inform their people when they return . . .* 9:122

*Allāh took a pledge from those who were given the Scripture: Make it known to people; do not conceal it . . .* 3:187

*As for those who hide the proofs and guidance We send down, after We have made them clear to people in the Scripture, Allāh rejects them, and so do others.* 2:159

#### Friendliness and hospitality:

*(The first believers) show love for those who migrated to them for refuge and harbour no desire in their hearts for what has been given to them . . .* 59:9

#### Love for others:

*here you are, you love them, but they do not love you . . .* 3:119

#### Justice and charity, conjoined:

*Allāh commands justice and doing good, and generosity towards relatives . . .* 16:90

#### There are three more or less acceptable attitudes:

##### a) to insist on one's rights:

*without suffering loss or causing others to suffer loss.* 2:279

##### b) generosity in times of ease:

*Waiving [your right] is nearer to piety, so do not forget to be generous towards one another . . .* 2:237

*If your debtor is in difficulty, then delay things until matters become easier for him; still, if you were to write it off as an act of charity, that would be better for you . . .* 2:280

##### c) heroic altruism:

*Those who were already firmly established in their homes [in Medina], and*

*firmly rooted in faith, show love for those who migrated to them for refuge and harbour no desire in their hearts for what has been given to them. (Indeed, on the contrary) they give them preference over themselves, even if they too are poor: those who are saved from their own souls' greed are truly successful.* 59:9

The strict duty is to take the middle way:

*They ask you what they should give. Say: Give what you can spare . . .* 2:219

Giving is a universal duty:

*and let the wealthy man spend according to his wealth. But let him whose provision is restricted spend according to what Allāh has given him . . .* 65:7

Conditions required for giving charity:

a) Its beneficiaries:

*Whatever you give should be for parents, close relatives, orphans, the needy, and travellers . . .* 2:215

*(Give) to those needy who are wholly occupied in Allāh's way and cannot engage themselves in earning a living. The unknowing might think them rich because of their self-restraint, but you will recognise them by their signs: they do not beg persistently . . .* 2:273

*Alms are meant only for the poor, the needy, those who administer them, those whose hearts need winning over, to free slaves and help those in debt, for Allāh's cause, and for travellers in need. This is ordained by Allāh; Allāh is all knowing and wise.* 9:60

b) Its intention:

*Whatever charity you give benefits your own soul, provided you do it for the sake of Allāh . . .* 2:272

*those who spend their wealth in order to gain Allāh's pleasure, and as an affirmation of their own faith, are like a garden on a hill: heavy rain falls and it produces double its normal yield; even if no heavy rain falls, it will still be watered by the dew . . .* 2:265

*the righteous will drink from glasses of camphor . . . they give food to the poor, the orphan, and the captive, though they love it themselves, saying: We feed you for the sake of Allāh alone: we seek neither recompense nor thanks from you.* 76:5-9

*The most pious one will be spared (the Fire) - who gives his wealth away as self-purification, not to return a favour to anyone but for the sake of his Lord the Most High . . .* 92:17-20

c) The quality of the gift:

*You who believe, give charitably from the good things you have acquired and that We have produced for you from the earth. Do not give away the bad things that you yourself would only accept with your eyes closed (to their defects) . . .* 2:267

*None of you [believers] will attain true piety unless you give out of what you cherish . . .* 3:92

d) The manner of giving:

i) secretly is better:

*If you give charity openly, it is good, but if you keep it secret and give to the needy in private, that is better for you, and it will atone for some of your bad deeds . . .* 2:271

ii) without humiliating the beneficiary:

*Those who spend their wealth in Allāh's cause and do not follow their spending with reminders of their benevolence or hurtful words will have their rewards with their Lord: no fear for them, nor will they grieve. A kind word and forgiveness is better than a charitable deed followed by hurtful [words] . . . You who believe, do not cancel out your charitable deeds with reminders and hurtful words, like someone who spends his wealth only to be seen by people, not believing in Allāh and the Last Day. Such a person is like a rock with earth on it: heavy rain falls and leaves it completely bare. Such people get no rewards for their works: Allāh does not guide the disbelievers . . . Would any of you like to have a garden of palm trees and vines, graced with flowing streams and all kinds of produce, which, when you are afflicted with old age and feeble offspring, is struck by a fiery whirlwind and burnt down? In this way Allāh makes his messages clear to you, so that you may reflect on them.* 2:262-6

Exhortation to liberality:

*In order to cleanse and purify them (Prophet), accept a gift out of their property [to make amends] . . .* 9:103

*Yet he has not attempted the steep path. What will explain to you what the steep path is? It is to free a slave, to feed at a time of hunger an orphaned relative or a poor person in distress.* 90:11-16

*You who believe, give from what We have provided for you, before the Day comes when there is no bargaining, no friendship, and no intercession . . .* 2:254

*Give out of what We have provided for you, before death comes to one of you and he says: My Lord, if You would only reprieve me for a little while, I would give in charity and become one of the righteous. Allāh does not reprieve a soul when its turn comes . . .* 63:10-11

*Who will give Allāh a good loan, which He will increase for him many times over? . . .* 2:245

*Believe in Allāh and His Messenger, and give out of what He has made pass down to you: those of you who believe and give will have a great reward.* 57:7

*those who are saved from their own souls' greed are truly successful* 59:9 (also 64:16)

*Those who give, out of their own possessions, by night and by day, in private and in public, will have their reward with their Lord: no fear for them, nor will they grieve.* 2:274

*Those who spend their wealth in Allāh's cause are like grains of corn that produce seven ears, each bearing a hundred grains. Allāh gives multiple increase to whoever He wishes: He is limitless and all knowing.* 2:261

*They (the righteous who will be in Paradise) did good before (during the course of their life on earth) . . . giving a rightful share of their wealth to the beggar and the deprived who are too ashamed to ask* 51:16-19

#### Condemnation of hoarding:

*Woe to every fault-finding backbiter who amasses riches, counting them over, thinking they will make him live forever. No indeed! He will be thrust into the one that crushes!* 104:1-4

*have you considered the person who denies the Judgement? It is he who pushes aside the orphan and does not urge others to feed the needy. So woe to those who . . . forbid common kindnesses.* 107:1-7

*Those who are miserly with what Allāh has granted them out of His grace should not think that it is good for them; on the contrary, it is bad for them. Whatever they meanly withhold will be hung around their necks on the Day of Resurrection . . .* 3:180

*though even when you are called upon to give [a little] for the sake of Allāh, some of you will be grudging. Whoever is grudging is so only towards himself: Allāh is the source of wealth and you are the needy ones. If you turn away, He will replace you with a people other than yourselves, and they will not be like you.* 47:38

*[Prophet], tell those who hoard gold and silver instead of giving in Allāh's cause that they will have a grievous punishment: on the Day it is heated up in Hell's Fire and used to brand their foreheads, sides, and backs, they will be told, 'This is what you hoarded up for yourselves! Take pleasure in it now!'* 9:34-5

*Take (the damned), put a collar on him, lead him to burn in the blazing Fire . . . he would not believe in Almighty Allāh, he never encouraged feeding the hungry . . .* 69:30-4

*(The righteous in Paradise) will ask about the guilty: What drove you to the Scorching Fire? And they will answer: We did not pray; we did not feed the poor.* 74:40-4

*When his Lord tries him through honour and blessings, he says: My Lord has honoured me. But when He tries him through the restriction of his provision, he says: My Lord has humiliated me. No indeed! You [people] do not honour orphans, you do not urge one another to feed the poor, you consume inheritance greedily, and you love wealth with a passion.* 89:15-20

*We have tried them as We tried the owners of a certain garden, who swore that they would harvest its fruits in the morning and made no allowance [for the Will of Allāh]: a disaster from your Lord struck the garden as they slept and by morning it was stripped bare, a desolate land. Still they called each other at daybreak: Go early to your field if you wish to gather all its fruits. So they went off, whispering: Make sure no poor person enters the garden today! - they left early, bent on their purpose - but when they saw the garden, they said: We must have lost our way (this is not our garden)! No - we are ruined! The wisest of them said: Did I not say to you, Will you not glorify Allāh? - they said: Glory be to Allāh, our Lord! Truly, we were doing wrong! - and then they turned to each other in mutual reproach. They said: Alas for us! We have done terrible wrong, but maybe our Lord will give us something better in its place: we truly turn to him in hope - Such is the punishment [in this life], but greater still is the punishment in the Hereafter, if only they knew.* 68:17-33

### 3 Etiquette

To ask permission before entering someone's house:

*Believers, do not enter other people's houses until you have asked permission to do so and greeted those inside ... If you find no one in, do not enter unless you*



*have been given permission to do so. If you are told: Go away, then do so - that is more proper for you. Allāh knows well what you do. You will not be blamed for entering houses where no one lives, and which could provide you with some useful service. Allāh knows everything you do openly and everything you conceal.* 24:27-30

*Believers, your slaves and any who have not yet reached puberty should ask your permission to come in at three times of day: before the dawn prayer; when you lay your garments aside in the midday heat; and after the evening prayer - these are your three times for privacy ... When your children reach puberty, they should [always] ask your permission to enter, like their elders do ...* 24:58-9

To lower the voice, and not call out to one's superiors from outside:

*believers, do not raise your voices above the Prophet's ... most of those who shout to you [Prophet] from outside your private quarters lack understanding.* 49:2-4

To extend greetings on entering:

*When you enter any house, greet one another with a greeting of blessing and goodness as enjoined by Allāh ...* 24:61

To reply to a greeting with a better one:

*when you [believers] are offered a greeting, respond with a better one, or at least return it ...* 4:86

To make room:

*You who believe, if you are told to make room for one another in your assemblies, then do so, and Allāh will make room for you (in Paradise), and if you are told to rise up, do so ...* 58:11

To choose decent subjects for conversation:

*you who believe, when you converse in secret ... let virtue and piety be the object of your discourse. Be mindful of Allāh, to whom you will all be gathered.* 58:9

To choose the kindest words:

*[Prophet], tell My servants to say what is best. Satan sows discord among them: Satan is a sworn enemy of man.* 17:53

To ask permission before leaving an assembly:

*the true believers are those who believe in Allāh and His Messenger, who, when they are gathered with him on a communal matter, do not depart until they have asked his permission . . .*

24:62



## 4

# STATE ETHICS

### 1 The relationship between the head of state and the people

#### *A Duties of the head of state*

To consult with the people:

*(O Prophet!) By an act of mercy from Allāh, you were gentle in your dealings with them – had you been harsh, or hard-hearted, they would have dispersed and left you – so pardon them and ask forgiveness for them. Consult with them about matters . . .*

3:159

To apply wholeheartedly the decision that has been taken . . .

*when you have decided on a course of action, put your trust in Allāh: Allāh loves those who put their trust in Him.*

3:159

in accordance with the rule of justice:

*Allāh commands you [people] to return things entrusted to you to their rightful owners, and, if you judge between people, to do so with justice: Allāh's instructions to you are excellent, for He hears and sees everything.*

4:58

To establish order:

*Those who wage war against Allāh and His Messenger and strive to spread corruption in the land should be punished by death, crucifixion, the amputation of an alternate hand and foot, or banishment from the land: a disgrace for them in this world, and then a terrible punishment in the Hereafter, unless they repent before you overpower them: in that case know that Allāh is forgiving and merciful.*

5:33–4

To safeguard, and not misappropriate, public funds:

*It is inconceivable that a prophet would ever dishonestly take something from*

*the battle gains. Anyone who does so will carry it with him (before Allāh) on the Day of Resurrection, when each soul will be fully repaid for what it has done: no one will be wronged.* 3:161

Not to use them to benefit the rich:

*Whatever gains (not procured through combat) Allāh has turned over to His Messenger from the inhabitants of the villages belong to Allāh, the Messenger, kinsfolk, orphans, the needy, the traveller in need – this is so that they are not only shared among those of you who are rich . . .* 59:7

To allow other religions their judicial freedom:

*If they come to you [Prophet] for judgement, you can either judge between them, or decline – if you decline, they will not harm you in any way, but if you do judge between them, judge justly: Allāh loves the just – but why do they come to you for judgement when they have the Torah with Allāh's (same) judgement, and even then still turn away? These are not believers . . . Those who do not judge according to what Allāh has revealed are the true unbelievers . . . let the followers of the Gospel judge according to what Allāh has sent down in it. Those who do not judge according to what Allāh has revealed are lawbreakers . . . so judge between them according to what Allāh has sent down. Do not follow their whims, which deviate from the truth that has come to you . . .* 5:42–8

**B The duties of the people**

Discipline:

*so accept whatever the Messenger gives you, and abstain from whatever he forbids you. Be mindful of Allāh: Allāh is severe in punishment.* 59:7

Informed obedience:

*You who believe, obey Allāh and the Messenger, and those in authority among you. If you are in dispute over any matter, refer it to Allāh and the Messenger, if you truly believe in Allāh and the Last Day: that is better and fairer in the end.* 4:59

Unity before the ideal:

*Hold fast to Allāh's rope all together; do not split into factions . . .* 3:103

*do not join those who ascribe partners to Allāh [or] those who divide their religion into sects, with each party rejoicing in their own.* 30:31–2

### Deliberation over public affairs:

*(The treasures of Heaven) are reserved for those who believe ... who conduct their communal affairs by mutual consultation.* 42:38

### To avoid creating disruption and vandalism:

*Do not cause disruption on the earth after it has been set right ...* 7:56

*those who break their confirmed agreements made in Allāh's name, who break apart what Allāh has commanded to be joined and who spread disruption on the earth: they will be cursed and assigned to the dreadful abode* 13:25

*[Such a man] ... when he leaves, he sets out to spread corruption in the land, destroying crops and livestock – Allāh hates corruption.* 2:205

### To prepare for the defence of the community:

*Prepare whatever forces you [believers] can muster, including warhorses, to frighten off Allāh's enemies and yours, and warn others unknown to you but known to Allāh. Whatever you give in Allāh's cause will be repaid to you in full, and you will not be wronged.* 8:60

### Ethical censorship (not to spread defeatist rumours or exaggerated rumours, but to wait for the official story):

*Whenever news of any matter comes to them, whether concerning peace or war, they spread it about; if they referred it to the Messenger and those in authority among them, they would know what it was about ...* 4:83

### To avoid collusion and alliance with the enemy:

*You who believe, do not take My enemies, who are also yours, as your allies, showing them friendship ... they have driven you and the Messenger out simply because you believe in Allāh, your Lord. When you emigrated to strive for My cause and seek My good pleasure, was this in order to offer them your intimate friendship? I know all you conceal and all you reveal. Any of you who conclude such an alliance are already straying from the right path.* 60:1

*Allāh does not forbid you to deal kindly and justly with anyone who has not fought you ... but He forbids you to take as allies those who have fought against you for your faith, driven you out of your homes, and helped others to drive you out: any of you who take them as allies will truly be wrongdoers.* 60:8

*You will not find people who truly believe in Allāh and the Last Day giving their loyalty to those who oppose Allāh and His Messenger, even though they may be their fathers, sons, brothers, or other relations . . .* 58:22

*anyone who does such a thing will completely cut himself off from Allāh – except when you need to protect yourselves from them . . .* 3:128

## 2 Foreign affairs

### *A Under normal circumstances*

#### Concern for public welfare:

*A Messenger has come to you from among yourselves. Your suffering distresses him: he is deeply concerned for you and full of kindness and mercy towards the believers.* 9:128

#### To promulgate the doctrine of salvation:

*Call people to the way of your Lord with wisdom and beautiful instruction. Argue with them in the most courteous way . . .* 16:125

*Argue only in the best way with the People of the Book (except with those of them who act aggressively). Say, 'We believe in what was revealed to us and in what was revealed to you; our Allāh and your Allāh are one [and the same]; we are devoted to Him.'* 29:46

#### without compulsion:

*There is no compulsion in religion . . .* 2:256

*So [Prophet] preach: your only task is to give warning, you do not have the power of a despot over them.* 88:21–2

#### or provoking hatred:

*Do not revile those they call on beside Allāh in case they, in their hostility and ignorance, revile Allāh. To each community We make their own actions seem alluring, but in the end they will return to their Lord and He will inform them of all they did.* 6:108

#### To abstain from seeking hegemony or spreading unrest:

*We grant the Home in the Hereafter to those who do not seek superiority on the earth or spread destruction and disorder: the happy ending is awarded to those who are virtuous.* 28:83

Not to violate the safety of neutral parties:

*So if they remain neutral and do not fight you, and offer you peace, then Allāh gives you no right to disturb them.* 4:90

Good neighbourliness, justice and kindness:

*Allāh does not forbid you to deal kindly and justly with anyone who has not fought you for your faith or driven you out of your homes: Allāh loves the just.* 60:8

*B In the case of hostilities*

To abstain from initiating armed conflict:

*Do not let your hatred for the people who barred you from the Sacred Mosque induce you to attack them first: help one another to do good and to respect the law; do not help one another towards sin and hostility. Be mindful of Allāh, for His punishment is severe.* 5:2

To abstain from fighting during the sacred months:

*Allāh decrees that there are twelve months – ordained in Allāh's Book on the Day when He created the heavens and earth – four months of which are sacred: this is the correct calculation. Avoid all mutual aggression during these months . . .* 9:36

or in the sacred precincts:

*Do not fight them at the Sacred Mosque unless they fight you there . . .* 2:191

Two cases in which war is legitimate:

i) Self-defence:

*So if they neither withdraw, nor offer you peace, nor restrain themselves from fighting you, fight them and kill them wherever you encounter them: We give you clear authority against such people.* 4:91

*The complaint of those who have been attacked has been heard (by Allāh). They have been wronged, and Allāh has the power to make them victorious.* 22:39

ii) To protect the weak:

*Why should you not fight in Allāh's cause and defend the weak: those oppressed men, women, and children who cry out, 'Lord, rescue us from this town whose people are oppressors! Give us a protector and helper!'* 4:75



To fight only combatants:

*Fight in Allāh's cause against those who fight you, but do not exceed the limits: Allāh does not love those who exceed the limits.* 2:190

Not to flee before the aggressor:

*Believers, when you meet the disbelievers in battle, do not take flight.* 8:15

Steadfastness and unity:

*Believers, when you meet the enemy in battle, stand firm and keep Allāh firmly in mind, so that you may prosper. Obey Allāh and His Messenger, and do not quarrel with one another, or you may lose heart and your spirit may desert you ...* 8:45-6

Patience and hope:

*You who believe, be steadfast, more steadfast than others; fortify yourselves; always be mindful of Allāh, so that you may prosper.* 3:200

*Do not lose heart or despair - if you are true believers you will be victorious.* 3:139

Not to fear death, which comes at its appointed time:

*You who believe, do not be like those who disbelieved and said of their brothers who went out on a journey or a raid: If only they had stayed with us they would not have died or been killed. Allāh will make such thoughts a source of anguish in their hearts and provoke their sighs. It is Allāh who gives life and death; Allāh sees everything you do.* 3:156

*Tell them: Even if you had stayed at home, those who were destined to be killed would still have gone out to meet their deaths ...* 3:154

*When fighting was ordained for them, some of them feared men as much as, or even more than, they feared Allāh, saying: Lord, why have you ordained fighting for us? If only you would give us just a little more time. Say to them: The pleasures of this world are temporary, the Hereafter is far better ... Death will overtake you no matter where you may be, even if you hide inside your fortified towers.* 4:77-8

*Allāh will not let the reward of the believers be lost ... those whose faith only increased when people came to them and said: Fear your enemy, they have amassed a great army against you. And who replied: Allāh is enough for us: He is*

*the best protector. They returned with grace and bounty from Allāh and no harm befell them . . .* 3:171-4

To fear, instead, the trials and temptations of the unbelievers:

*torture is worse than killing . . .* 2:191

*Succumbing to temptation (and renouncing one's faith) are more dreadful than dying as a martyr. They will not stop fighting you [believers] until they make you revoke your faith, if they can. If any of you revoke your faith and die as disbelievers, your deeds will come to nothing in this world and the Hereafter, and you will be inhabitants of the Fire, there to remain.* 2:217

Not to capitulate:

*So do not lose heart and cry out for peace. It is you who have the upper hand: Allāh is with you. He will not begrudge you the reward for your [good] deeds.* 47:35

but to accept peace and not to pursue the enemy who capitulates:

*But if they cease hostilities (pardon them, for) Allāh is most forgiving and merciful . . . If they cease hostilities, abstain from any further measures, except towards aggressors.* 2:192-3

*But if they incline towards peace, you must also incline towards it, and put your trust in Allāh: He is the All Hearing, the All Knowing. If they intend to deceive you, Allah is enough for you: it was He who strengthened you with His help, and with the believers, and united their hearts . . .* 8:61-3

*do not say to someone who offers you a greeting of peace: You are not a believer - out of desire for worldly gains . . .* 4:94

Compliance with agreed treaties:

*You who believe, fulfil your obligations . . .* 5:1

Not to meet treachery in kind:

*And if you learn of treachery on the part of any people, throw their treaty back at them, for Allāh does not love the treacherous.* 8:58

Commitment to pledges, however disadvantageous it may be, even to your ambitions!

*Fulfil any pledge you make in Allāh's name and do not break oaths after you have sworn them, for you have made Allāh your surety: Allāh knows everything you do. Do not use your oaths to deceive each other . . . just because one party may be more numerous, stronger, or richer than another (or in order that it be so). Allāh only tests you by your differences, and on the Day of the Resurrection He will make clear to you those things about which you disagreed.* 16:91-2

The brotherhood of man. The sacred link, above racial or sexual prejudice:

*People, be mindful of your Lord, who created you from a single soul, and from it created its mate, and from the pair of them spread countless men and women far and wide; be mindful of Allāh, in whose name you ask for one another's consideration; and respect the ties of kinship . . .* 4:1

*People, We created you all from a single man and a single woman, and made you into nations and tribes so that you should get to know one another . . .* 49:13

Criterion for merit:

*In Allāh's eyes, the most honoured of you (people) are those who are most virtuous . . .* 49:13

## RELIGIOUS ETHICS: DUTIES TO GOD

To believe in Him and His revealed truths:

*Virtue does not consist in turning your face towards East or West. The truly good are those who believe in Allāh and the Last Day, in the angels, the Scripture, and the prophets; who give away some of their wealth . . .* 2:177

*believe in Allāh and His Messenger and in the Scripture He sent down to His Messenger, as well as the Books He sent down before. Anyone who denies Allāh, His angels, His Scriptures, His messengers, and the Last Day has gone far, far astray (from the Truth).* 4:136

To obey Him unconditionally:<sup>1</sup>

*If We had ordered: Lay down your lives (become martyrs), or: Leave your homes, they would not have done so, except for a few – it would have been far better for them and stronger confirmation of their faith, if they had done as they were told.* 4:66

To meditate on His words:

*So pay attention and listen quietly when the Qur'an is recited, so that you may be given the blessings of Heaven.* 7:204

*Believers, do not raise your voices above the Prophet's . . . or your [good] deeds may be cancelled out without you knowing.* 49:2

*This is a blessed Scripture which We sent down to you [Muhammad], for people to meditate upon its contents, and for those with understanding to take heed.* 38:29

*Will they not contemplate the Qur'an? Do they have locks on their hearts?* 47:24

*Will they not meditate upon this Qur'an? If it had been from anyone other than Allah, they would have found much inconsistency in it.* 4:82

and His works:

*On earth there are signs (of the divine truth) for those with sure faith - and in yourselves too, do you not see?* 51:20-1

*Have they not contemplated the realm of the heavens and earth and all that Allāh created, and that the end of their time might be near? Through what other revelation after this will they then be brought to believe?* 7:185

*Have they not thought, while reflecting upon their own selves, that Allāh did not create the heavens and earth and everything between them without a serious purpose or for an appointed time? . . .* 30:8

*Say [Prophet]: I advise you to do one thing only: to disperse and gather before Allāh (purified and free of your prejudices) to give yourself to reflection, singly or in pairs, in your meditations . . .* 34:46

To acknowledge His blessings (to render Him thanks):

*Whatever good things you possess come from Allāh . . .* 16:53

*Consider the seeds you sow in the ground - is it you who make them grow or We? If We wished, We could turn your harvest into chaff and leave you to wail: We are ruined; we are destitute. Consider the water you drink - was it you who brought it down from the rain-cloud or We? If we wanted, We could make it bitter: will you not be thankful? Consider the fire you kindle - is it you who produce the wood for it (by rubbing it) or Our creative Will? We made it as a reminder of the Fire, and as a comfort against the cold, so glorify the name of your Lord, the Supreme.* 56:63-74

*Say: Just think, if Allāh were to cast perpetual night over you until the Day of Resurrection, what Allāh other than He could bring you light? Do you not understand this? Say: Just think, if Allāh were to cast perpetual day over you until the Day of Resurrection, what god other than He could give you night in which to rest? Do you not see?* 28:71-2

*It is He Who created every kind of thing, who gave you ships and animals to ride on so that you may remember your Lord's grace when you are seated on them and say: Glory be to Him who has given us control over this; we could not have done it by ourselves. Truly it is to our Lord that we are returning.* 43:12-14

*It is Allāh who brought you out of your mothers' wombs knowing nothing, and gave you hearing and sight and intelligence, so that you might be thankful.* 16:78

To bear His trials with patience:

*We shall certainly test you with fear and hunger, and loss of property, lives, and crops. But [Prophet], give good news to those who are steadfast, those who say, when afflicted with a calamity: We belong to Allāh and to Him we shall return.* 2:155-6

*Do you hope to enter the Garden without first having suffered like those before you? They were afflicted by misfortune and hardship, and they were so shaken that even [their] messenger and the believers with him cried: When will Allāh's help arrive? Truly, Allāh's help is near.* 2:214

*Do people think they will be left alone after saying: We believe, without being put to the test? We tested those who went before them: Allāh will certainly mark out which ones are truthful and which are lying.* 29:2-3

To trust in Him:

*If Allāh helps you [believers], no one can overcome you; if He forsakes you, who else can help you? Believers should put their trust in Allāh.* 3:160

*If they turn away (from you, Prophet) say: Allāh is enough for me: there is no god but Him; I put my trust in Him; He is the Lord of the Mighty Throne.* 9:129

*say: Consider those you invoke beside Him: if Allāh wished to harm me, could they undo that harm? If Allah wished to show me mercy, could they withhold that mercy? Say: Allāh is enough for me: all those who trust should put their trust in Him.* 39:38

Neither to despair of His grace:

*do not despair of Allāh's mercy - only disbelievers despair of Allāh's mercy.* 12:87

*Who but the misguided despair of the mercy of their Lord?* 15:56

nor to be too complacent about His plans:

*Do the people of these towns feel secure that Our punishment will not come upon them by night, while they are asleep? Do the people of these towns feel secure that Our punishment will not come upon them by day, while they are at play? Do they think that they can escape Allāh's vigilance? Only the losers feel safe from Allāh's plan.* 7:97-9

To submit all plans for the future to His will:

*Do not say of anything: I will do that tomorrow, without adding: If Allāh wills ...* 18:23-4

To fulfil vows and promises made to God:

*There are some among them who pledged themselves to Allāh, saying: If Allāh gives us some of His bounty, we shall certainly give alms and be righteous, yet when He did give them some of His bounty, they became mean and turned obstinately away. Because they broke their promise to Allah, because of all the lies they told, He made hypocrisy settle in their hearts until the Day they meet Him.* 9:75-7

Not to provoke irreverent talk about Him:

*do not revile those they call on besides Allāh in case they, in their hostility and ignorance, revile Allāh ...* 6:108

To avoid any complicity in impious talk:

*When you meet people who speak with scorn about Our revelations, turn away from them until they change the subject. If Satan should make you forget this commandment, do not sit with them when you have remembered. They are unjust people.* 6:68

*As He has already revealed to you [believers] in the Scripture, if you hear people denying and ridiculing Allāh's revelation, do not sit with them unless they start to talk of other things, or else you yourselves will become like them ...* 4:140

Not to take His name in vain:

*do not use Allāh's name as an excuse in your oaths ... Allāh hears and knows everything* 2:224

To respect an oath once it has been taken:

*keep your oaths ...* 5:89

To remember Allāh constantly:

*Believers, remember Allāh always.* 33:41

*Do not be like those who forget Allāh, so Allāh causes them to forget their own souls: they are the rebellious ones.* 59:19

*We assign an evil one as a comrade for whoever turns their attention away from the revelations of Allāh.* 43:36

To sanctify and glorify Him:

*Believers, remember Allāh always and glorify Him morning and evening.* 33:41-2

*We have sent you [Prophet] as a witness, to bring good news (to the just) and to give warning (to the others) of their punishment. Believe in Allāh and His Messenger, support Him, honour Him, and praise Him, morning and evening.* 48:8-9

To render Him daily worship:

*Prayer is obligatory for the believers at prescribed times.* 4:103

*So celebrate Allāh's glory in the evening, in the morning - praise is due to Him in the heavens and the earth - in the late afternoon, and at midday.* 30:17-18

*So perform the regular prayers in the period from the time the sun is past its zenith till the darkness of the night, and [recite] the Qur'an at dawn - recitation at dawn is always witnessed (by the angels).* 17:78

*Observe the prayer at the appointed time, especially the middle prayer, and stand before Allāh in devotion.* 2:238

*do not be too loud in your prayer, or too quiet, but seek a middle way.* 17:110

To visit His sanctuary (at least once during one's lifetime):

*The first House [of worship] to be established for mankind was the one at Mecca. It is a blessed place and a light for humanity. The place of miracles and sacred signs, it is also the station of Abraham; whoever enters it is safe. Pilgrimage to the House is a duty owed to Allāh for whoever has the means to undertake it. Those who reject this [should know that] Allāh transcends everything.* 3:96-7

*The pilgrimage takes place during the prescribed months. Anyone who undertakes it should abstain from women and from any transgression, or controversy - whatever good you do, Allāh is well aware of it. Provide well for yourselves: the best provision is to have piety . . .* 2:197

*Proclaim the Pilgrimage to all people. They will come to you on foot and on every kind of swift mount, emerging from every deep mountain pass. They will attain benefits and on specified days celebrate Allāh's name over the (sacrificial) flocks*



*He has provided for them . . . Taking care to perform their acts of cleansing, they fulfil their vows, and circle around the Ancient House. All this [is ordained by Allāh]: anyone who honours the sacred ordinances of Allāh will have attained goodness in the signs of his Lord . . .* 22:27–30

*It is neither meat nor the blood of the sacrifice that reaches Allāh but your piety . . .* 22:37

To invoke Him frequently, in fear and hope:

*Tell them: What are you to my Lord without your supplication? . . .* 25:77

*Call on your Lord humbly and privately – He does not like those who transgress . . . call on Him with fear and hope. The mercy of Allāh is close to those who do good.* 7:55–6

*Your Lord says: Call on Me and I will answer you . . .* 40:60

To return to Him and beg His forgiveness:

*Believers, all of you, return to Allāh if you wish to obtain your salvation.* 24:31

*Anyone who does evil or wrongs his own soul and then asks Allāh for forgiveness will find Him most forgiving and merciful.* 4:110

Finally, to love Him:

*Allāh will soon replace you with others whom He loves and who love Him . . . This will be a favour that Allah grants to whoever He will. Allāh is vast and omniscient.* 5:54

and to love Him above all else:

*There are some who choose to worship others besides Allāh as rivals to Him, loving them with the love due to Allāh, but the believers love Allāh above all else . . .* 2:165

## SUMMARY: SOME CATEGORIES OF VIRTUES BY WHICH THE QU'RAN DEFINES THE TRUE MUSLIM

*Virtue is to believe in Allāh and the Last Day, in the angels, the Scriptures, and the prophets; it is to give away some of your wealth, however much you cherish it, to your relatives, to orphans, the needy, travellers and beggars, and to liberate those in bondage; it is also to observe the prayer and pay the prescribed alms; to keep pledges whenever they have been made; in particular, it is to show courage in adversity and in the face of evil, even towards the supreme sacrifice. These are the ones who are true, and it is they who are pious.*

2:177

*True believers are those whose hearts tremble with awe when Allāh is mentioned, whose faith increases when His wonders are recited to them, who put their trust in Him, who keep up the prayer and give to others out of what We provide for them. Those are the ones who truly believe . . .*

8:2-4

*Give good news to the humble whose hearts fill with awe whenever Allāh is mentioned, who endure evil with patience, who keep up the prayer, who give to others out of Our provision to them.*

22:34-5

*The believers will succeed: those who pray humbly, who shun idle talk, who pay the prescribed alms, who guard their chastity except with their spouses or their slaves - with these they are not to blame, but anyone who seeks more than this is exceeding the limits - who are faithful to their trusts and avoid breaking their pledges and who keep up their prayers conscientiously; they are the inheritors of Paradise, there to remain.*

23:1-11

*Allāh is the Light of the heavens and earth . . . Allāh guides whoever He will to His light . . . in houses of worship. Allāh has ordained that they be raised high and that His name be glorified there, with men exalting His name morning and evening: men who are not distracted, either by commerce or profit, from remembering Allāh, keeping up the prayer, and paying the prescribed alms,*

*fearing a day when ears and eyes will tremble.*

24:35-8

*The servants of the Merciful are those who walk humbly on the earth, and who, when the foolish address them, reply: Peace; those who spend the night bowed down or standing, worshipping their Lord; who plead: Our Lord, turn away from us the suffering of Hell (truly, His suffering is the true torment - it is an evil home, a foul resting place). They are those who are neither wasteful nor niggardly when they spend, but keep to a just balance; those who never invoke any other deity beside Allāh, nor take a life which Allāh has made sacred (except in the pursuit of justice), nor commit adultery. (Whoever does this will face the penalties [for all these]: their torment will be doubled on the Day of Resurrection, and they will remain in torment eternally, disgraced. But those who repent, believe, and do good deeds: Allah will change the evil deeds of such people into good ones: He is most forgiving, most merciful. People who repent and do good deeds truly return to Allāh.) . . . They are those who do not give false testimony, and who, when they hear frivolous conversation, pass by with dignity; who, when reminded of their Lord's signs, do not pretend to be deaf and blind; those who pray, 'Our Lord, give us joy in our spouses and offspring. Make us good examples to the virtuous' - these servants will be rewarded for their perseverance with the highest place in Paradise. There they will be met with greetings and peace. There they will stay for eternity - a happy home and resting place!*

25:63-76

*The only ones who truly believe in Our miracles are those who, when they are reminded of them, bow down in worship, celebrate their Lord's praises, and do not think themselves above this. They shun their beds in order to pray to their Lord in fear and hope; they give to others some of what We have given them. No soul knows what joy is kept hidden in store for them as a reward for what they have done.*

32:15-16

*For men and women who are devoted to Allāh - believing men and women, obedient men and women, truthful men and women, steadfast men and women, humble men and women, charitable men and women, fasting men and women, chaste men and women, men and women who remember Allāh often - Allāh has prepared forgiveness and a rich reward.*

33:35

*Allāh has revealed the most excellent of all teachings that have ever been given: a Scripture that is both consistent and varied; that causes the skins of those in awe of their Lord to shiver. Then their skins and their hearts soften at the mention of Allāh: such is Allāh's guidance. He guides with it whoever He will; those who He leaves to stray have no other guide.*

39:23

*Whatever good things you have been given, they are only the fleeting enjoyments of this world. Those that are close to Allāh are far better and more lasting. He has reserved them for the ones who believe and trust in their Lord; who shun great*

sins and gross indecencies; who forgive when they are angry; respond to their Lord and keep up the prayer; conduct their affairs by mutual consultation; give to others out of what We have provided for them; and only defend themselves when they are oppressed. Let an injustice be requited by its equal, though anyone who forgives and seeks conciliation will have his reward from Allāh Himself - He does not love those who do wrong. 42:36-40

Muhammad is the Messenger of Allāh. Those who follow him are harsh towards the disbelievers and compassionate towards each other. You see them kneeling and prostrating, seeking only Allāh's grace and His good pleasure: on their faces they bear the marks of their prostrations - a reflection of their devotion. These are their characteristics in the Torah . . . 48:29

The true believers are the ones who have faith in Allāh and His Messenger and leave all doubt behind, the ones who have struggled to put their possessions and their persons at the service of Allāh: they are the ones who are true. 49:15

(Those who are blessed in Paradise) will receive the gifts of their Lord; (a worthy recompense) for the good they did before: sleeping only little at night, praying at dawn for Allāh's forgiveness, giving a rightful share of their wealth for the beggar who asks for their charity and the deprived whose pride holds them back. 51:16-20

Man was truly created anxious: he is plaintive when misfortune touches him, but selfish when good fortune comes his way, except for those who are virtuous, who pray and are constant in their prayers; who [recognise] that beggars and those who are deprived have an acquired (or partly determined) right to their wealth; who believe in the Day of Judgement and fear the punishment of their Lord - none may feel wholly secure from it - who guard their chastity from all but their spouses or their slaves - there is no blame attached to relations with these, but those whose desires exceed this limit are truly transgressors - who are faithful to their trusts and their pledges; who give honest testimony and are steadfast in their prayers. These are the fortunate ones who will be honoured in Gardens of bliss. 70:19-35



## NOTES AND REFERENCES

### Introduction

- 1 Shams al-Dīn al-Bābilī, died 1077 AH, quoted by Mullah al-Muhibbī, *Khulāṣat al-athar fī a'yān al-qarn al-ḥādī<sup>c</sup>ashar*, vol. 4, p. 41 (Cairo edition 1284 AH).
- 2 But besides the repetition of verses under synonymous titles; besides the errors maintained in Kasimirski's translation, which La Beaume had to use because he could not read Arabic, the titles by which he had intended to summarise the verses correspond so badly to the passages that they sometimes create the opposite meaning; thus, in certain places, one has the impression that the Qur'an exhorts men to be selfish and vengeful, that it allows deceit, betrayal, infidelity to oaths and much more.
- 3 We cite Ibn Ḥazm's *Mudāwāt al-nufūs* (Cairo: Adham Publishers), being one of the best of its kind.
- 4 In this order of ideas, the most characteristic and the most famous work is Ibn Miskawayh's *Tahdhīb al-akhlāq*.
- 5 As can be seen in al-Isfahānī's *al-Dharī<sup>c</sup>a*; and in a more complete and extended form in many of al-Ghazālī's works, notably in his Islamic encyclopaedia, *Ihyā' <sup>c</sup>ulūm al-dīn*.
- 6 This brings the number to just over 1500 verses, which is less than one quarter of the sacred Book of Islam; after that, the rest only deal with complementary questions. He says that it is like a shell which protects the most precious content of the Book. With some modifications, this historical work has recently been produced in French by a Turkish writer, General Mahmud Mukhtar Katirjoglou, in a collection entitled: *La sagesse Koranique, versets choisis* (Paris, Geuthner 1935), in which the author abridges al-Ghazālī's collection (1200 verses instead of 1500), having completely mixed up the two elements and even removed the titles of the sūras, which could be distinguished previously.
- 7 Both books were published in Persia; and topics are classified according to the usual order in traditional works of law. A copy can be obtained from our friend and colleague, Qādī Aḥmad Moḥamed Shākīr, in Cairo.
- 8 See our *Introduction to the Qur'an*, part 2, ch. 2, where you will find a number of concrete examples that illustrate this triple aspect of the Qur'an's contribution: recapitulation, conciliation and perfection.
- 9 This definitely means: do not provoke the Revelation; do not look for rules where there are none.
- 10 Cf. Ibn Ḥibbān, as quoted by al-Suyūṭī in *Al-Dūrr al-manthūr*, vol. 2, p. 335.
- 11 Cf. al-Ṭabarī, *Tafsīr*, vol. 7, p. 55.
- 12 We are talking about religion in the general sense, not about the revealed religions.

## The Ethical Theory that Emerges from the Qur'an and a Comparison with Other Theories, Ancient and Modern

### 1. Obligation

- 1 For example, Guyau, *Esquisse d'une morale sans obligation ni sanction*.
- 2 See section 2 of this chapter.
- 3 See Bergson, *Les deux sources de la morale et de la religion*, ch. 1.
- 4 Qur'an 4:135; 38:26.
- 5 Qur'an 43:22–3.
- 6 Qur'an 2:170.
- 7 Kant, *Critique de la raison pratique*, p. 91.
- 8 Kant, *Critique de la raison pratique*, pp. 35–6.
- 9 Qur'an 91:7–8.
- 10 Qur'an 75:14.
- 11 Qur'an 90:8–10.
- 12 Qur'an 12:53.
- 13 Qur'an 79:40–41.
- 14 Al-Daylamī, *Musnad al-firdaws, ṣaḥīḥ* through Umm Salama, quoted by al-Suyūṭī, *al-Jāmi'*: *idhā arāda Allāh bi-'abd khayran ja'ala lahu wā'izān min nafsihi ya'maruhu wa-yanhāhu*.
- 15 Qur'an 17:70.
- 16 Qur'an 2:34.
- 17 Qur'an 7:2; 14:29; 20:116; 38:72.
- 18 Qur'an 95:4.
- 19 Qur'an 70:19–22.
- 20 Qur'an 95:5.
- 21 Qur'an 7:179.
- 22 Qur'an 91:9–10.
- 23 For more information, see the system of Qur'anic exhortations below, in ch. 3, § 3, A.
- 24 Qur'an 4:1; 49:13.
- 25 Qur'an 49:12.
- 26 See sections 2 and 3 below.
- 27 Kant, *Critique de la raison pratique*, preface, p. 6.
- 28 Qur'an 67:14.
- 29 Qur'an 67:10; 50:37.
- 30 Qur'an 24:35.
- 31 Al-Ghazālī, *Iḥyā'*, vol. 4, p. 4.
- 32 Qur'an 13:41.
- 33 We mean by this the collection of his words, actions, decisions and even his tacit attitudes, both approving and disapproving.
- 34 Qur'an 4:65, 80; 24:56; 59:7.
- 35 Muslim, *Ṣaḥīḥ*, *'Kitāb al-Faḍā'il'*, Bāb 37.
- 36 Ibid.
- 37 Qur'an 8:67; 9:43; 9:113.
- 38 Qur'an 4:106–113; Read 'Do not plead in favour of the treacherous'. Translators have given the opposite meaning here.
- 39 Al-Bukhārī, *Ṣaḥīḥ*, *'Kitāb al-Aḥkām'*, Bāb 19.

- 40 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ṣalāt', Bāb 31.
- 41 Al-*sunna qāḍiyya* 'alā al-kitāb. This is stated even in a *ḥadīth* reported by al-Dārimī, *Sunan*, Introduction, part 48. But when Aḥmad ibn Ḥanbal was asked about this *ḥadīth*, he replied: 'I dare not say that. I shall only say that the *sunna* explains the Qur'an and clarifies it.' No doubt what he meant by that was that if the transmitter of the *ḥadīth* expressed its main idea, his way of expressing it was rather daring, as it seems to reverse the normal order of *sunna* and Qur'an; for, if a saying attributed to the Prophet happens to disagree with a principle established in the Qur'an, it is the Prophet's saying which must be rejected as inauthentic. In this way, the saying: 'A dead person who is lamented by his family will be punished because of his family's lamentations', was refuted by 'Ā'isha as having been unintentionally distorted, so that it contradicted the Qur'anic verse *wa-lā taziru wāziratun wizra ukhrā* (6:164), which stipulates that no-one can be burdened with someone else's sin (al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Janā'iz', Bāb 32).
- 42 Qur'an 4:59.
- 43 Al-Bukhārī *Ṣaḥīḥ*, 'Kitāb al-I'tisām', Bāb 10. Instead of 'until God's will intervenes', a variant says: 'until the arrival of the Hour'. When commenting on this *ḥadīth*, al-Bukhārī says that the group mentioned in the text must be made up of learned people.
- 44 Cf. al-Ghazālī, *al-Mustaṣfā*, vol. 1, p. 173.
- 45 We mean: 'new' because even if the problem has been studied before two cases are still possible: the discussion ends either in agreement or in dissension. In the first case, not only will a second examination be useless, but it will not be relevant at all, any more than if the problem has been solved by direct revelation. In the second case, an agreement obtained later will no doubt be of some use, but it will not constitute a certain and definitive *ijmā'*; for according to many authorities on the sources of jurisprudence, an opinion does not die with those who held it; so the agreement will not be considered unanimous.
- 46 Cf. Ibn 'Abd al-Shakūr, *Mussallam al-thabūt*, vol. 2, p. 646.
- 47 Cf. *qiyās al-'illa*.
- 48 Cf. *qiyās al-shaba*.
- 49 Let us take for example the following question. Is it permitted to us, during a war, to shoot in the direction of our soldiers who have been taken prisoner by the enemy, the enemy hiding behind our soldiers in order to shoot at us and invade our country? Or, on the contrary, are we to put up our arms, so as to respect the absolute law which forbids us to take an innocent life? *wa-lā taqtulū'l-naḥsa allatī ḥarrama'llāhu illā bi'l-ḥaqq* (6:151). Mālik answers this question by opting for the lesser evil of this alternative. If we were to do nothing out of respect for our few soldiers who are in the unfortunate position of serving as human shields, the rest of the army, which is the greater number, would perish, and our prisoners themselves perhaps would not be spared later on. It is beyond question that Islamic law always gives priority to the safeguarding of collective life and the common interest over and above private lives and trifling interests. So he concludes that, while we should take every precaution to spare our men, we must not stop fighting even at the risk of killing them. Here is another example of a juridical order: Does a judge have the right to send to prison a person who is accused of theft, when there is no material proof against him, no testimony nor any witness, so that under these conditions, he might be innocent? We know that



the letter of the law absolutely forbids injuring people against their person or their possessions or their honour if they have not committed the appropriate crime. (Muslim, *Ṣaḥīḥ*, 'Kitāb al-Birr', Bāb 10): *kullu'l-muslim 'alā'l-muslim ḥarām, damuhu wa māluhu wa 'araḍuh*; (al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ḥajj', Bāb 126): *fa-inna dimā'akum wa-amwālakum wa-a'rāḍakum 'alaykum ḥarām*. But Mālik reasons in the following manner: as it is relatively rare that a criminal should confess his crime, or commit it in front of witnesses, or allow himself to be taken *in flagrante delicto*, most crimes would remain unpunished if one wanted to hold to these complete proofs. We also know that the law has taken the greater care to establish and maintain social order; we know that it seeks by all means to assure everyone of their right over their property. We are therefore compelled to use somewhat severe measures towards the accused, not meaning to obtain a forced confession, which would have no validity, being extracted under duress, but rather in the hope of inducing the accused to direct us to some real proof. We note that, even in that school of thought, such measures are only legitimate on condition that there is an element of incriminating evidence already discovered against the accused.

50 Qur'an 6:19; 7:158; 25:1.

51 Qur'an 2:44, 267; 83:1-3.

52 Qur'an 4:135.

53 Qur'an 3:75-6.

54 Qur'an 5:2, 8.

55 Mālik, *Muwaṭṭa'a*, 'Kitāb al-Jāmi', 'Bāb Bay'a'.

56 Qur'an 24:49-50.

57 Qur'an 3:134.

58 Qur'an 9:120, 81.

59 Qur'an 33:36.

60 Qur'an 2:256; 4:80; 10:99; 88:21-22; 24:54.

61 Kant, *Fondements de la métaphysique des moeurs*, p. 142.

62 Bergson, *Les deux sources de la morale*, p. 86.

63 See ch. 4, § 2, B.

64 See below, ch. 3, Conclusion.

65 See below ch. 4, § 1, A.

66 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 56; al-Ṭabarī, *Tafsīr*, vol. 3, p. 97.

67 Al-Tirmidhī, as cited by al-Suyūṭī, *al-Jāmi'*.

68 Mālik, *Muwaṭṭa'a*, 'Kitāb al-Jāmi', Bāb 13.

69 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Adab', Bāb 76.

70 In fact the *ḥadīth* contain a genuine treatment. Thus the Prophet recommends that anyone who feels violently agitated by this type of feeling should cool their face and limbs by making ablution (Abū Dāwūd, 'Kitāb al-Adab', Bāb 3). Another treatment consists of changing the posture of the body; to sit down if one is standing and if need be, to lie down (*ibid.*). It would be interesting to compare this psycho-physiological technique with the theories propounded by Descartes and Malebranche concerning the art of mastering passions.

71 Qur'an 34:46.

72 Qur'an 5:1.

73 Qur'an 5:17.

74 Qur'an 2:220.

75 See Ibn Taymiyya, *Minhāj*, vol. 2, p. 128.

- 76 Qur'an 74:26; 2:6.
- 77 Al-Rāzī, *al-Tafsīr*, vol. 1, p. 185.
- 78 Compare with Bergson's theory of freedom based on the unforeseeable nature of the action and on the dynamism of the acting self.
- 79 Qur'an 22:78.
- 80 Qur'an 3:51.
- 81 Qur'an 73:1-4.
- 82 Qur'an 73:20.
- 83 Qur'an 4:43.
- 84 Muslim, '*Kitāb al-Ṣalāt*', Bāb 139.
- 85 Al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-Tahajjud*', Bāb 18.
- 86 Aḥmad, *Musnad*, via Anas.
- 87 Ibid.
- 88 Qur'an 8:65.
- 89 Qur'an 48:17.
- 90 Qur'an 4:98.
- 91 Qur'an 5:3.
- 92 Qur'an 4:101.
- 93 Qur'an 2:239.
- 94 Qur'an 2:185.
- 95 Qur'an 5:6.
- 96 Qur'an 25:32.
- 97 Cf. al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-Faḍā'il al-Qur'ān*', Bāb '*Ta'lif al-Qur'ān*'.
- 98 Al-Shāṭibī, *Muwāfaqāt*, vol. 2, pp. 93-4.
- 99 For instance al-Ghazālī; see *Iḥyā'*, vol. 4, p. 10. See also Abū'l-Ma'ālī for whom there is no such thing as a minor sin; all moral evil is grave sin (Abū'l-Ma'ālī, *al-Irshād*, in al-Shāṭibī, *al-Muwāfaqāt*, vol. 3, p. 253).
- 100 Kant, *Critique de la raison pratique*, pp. 168-9.
- 101 Cf. al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-Adab*', Bāb 84-6.
- 102 For instance, one month of abstinence to be imposed upon our appetites; one tenth of our crops and one fortieth of our money to be given to the poor, five prayers a day, and so on.
- 103 Qur'an 2:184; 219; 25:64.
- 104 Qur'an 2:237.
- 105 Qur'an 2:280.
- 106 Gauthier, *Introduction à l'étude de la philosophie musulmane*, p. 125.
- 107 Such as choosing between two types of food, both honestly obtained and both healthy and pure.
- 108 See ch. 5, § 3.
- 109 See St. Matthew's Gospel 7:12.
- 110 Al-Bukhārī, *Sāḥīḥ*, '*Kitāb al-Imān*', Bāb 6: '*wa-lastum bi-ākhadhayhi ilā an taghmaḍū fīhī*'; al-Nisā'ī adds: '*min al-khayr*'.
- 111 Cf. Kant, *Fondements de la métaph. des mœurs*, p. 153.
- 112 Kant, *Critique de la raison pratique*, pp. 71-2.
- 113 Kant, *Critique de la raison pratique*, p. 130.
- 114 Kant, *Critique de la raison pratique*, p. 30.
- 115 Kant, *Critique de la raison pratique*, p. 27.
- 116 Kant, *Fondements de la métaph. des mœurs*, p. 142.

- 117 Kant, *Fondements de la métaph. des mœurs*, p. 104.
- 118 Kant, *Fondements de la métaph. des mœurs*, p. 106.
- 119 Kant, *Fondements de la métaph. des mœurs*, p. 103.
- 120 Kant, *Critique de la raison pratique*, p. 73.
- 121 Kant, *Fondements de la métaph. des mœurs*, p. 103.
- 122 Kant, *Critique de la raison pratique*, p. 26.
- 123 Kant, *Critique de la raison pratique*, p. 60.
- 124 Kant, *Critique de la raison pratique*, p. 79.
- 125 See below ch. 4, § 2, A.
- 126 The German philosopher, Fichte, had already posited as the fundamental rule of ethics the necessity for each person to act according to their own conviction, with the corollary that conscience could never be wrong, but this expression in the thinking of this disciple of Kant does not seem to have had the same rigour as that of Rauh.
- 127 See Le Senne, *Traité de morale*, pp. 635–6.
- 128 Qur'an 5:3.
- 129 Qur'an 33:5.
- 130 Qur'an 17:36.
- 131 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 39.
- 132 Al-Bukhārī, 'Kitāb al-Buyū', title of Bāb 3.
- 133 Cf. Aḥmad, *al-Musnad* via Wābiṣṣa. See also Muslim, *Ṣaḥīḥ*, 'Kitāb al-Birr', Bāb 5.
- 134 See al-Ghazālī, *al-Mustaṣfā*, vol. 2, pp. 230–1; al-Shāṭibī, *al-Muwāfaqāt*, vol. 4, pp. 89–105.

## 2. Responsibility

- 1 It is in these terms that most exegetes have rendered the meaning of the text. However, the verb *ḥamala* is used with a double meaning in the Qur'an. Sometimes it means 'to vouch for', 'to undertake an obligation'; for example, '*alayhi mā ḥummila wa 'alaykum mā ḥummiltum* (24:54; 62:5); sometimes it means 'to be accused of something': *yahmilu yawm al-qiyāmati wizrā* (20:100); *wa qad khāba man ḥamala ḥulman* (20:111). Allowing for the ambivalence of the term, some commentators take it in its second meaning. Here is the meaning of the passage in question according to them: whereas other creatures have acquitted themselves of their duty by submitting willingly to the law (of nature): *qālatā ātaynā ṭāi'in* (41:11), man, who has not fulfilled (moral) law, still has to discharge his duty: *kallā lammā yaqdhi mā amara* (80:23). It does not, therefore, apply to man in general, but only to unbelievers and rebels. This interpretation is no doubt plausible in itself, but besides the restriction imposed upon the concept of 'man', which is left in the text undefined, it does not strictly fulfil the required similarity between the pronouns and the substantive to which they relate, since the Trust proposed to man and to other creatures is no longer the same. This interpretation has had to limit itself to a more general notion of a Trust, as it has had to resort to a metaphorical idea, allowing nature to have a sort of obligation towards the law.
- 2 Qur'an 5:7; 57:8.
- 3 Qur'an 9:75–7 led to al-Bukhārī's elaboration in 'Kitāb al-Īmān', Bāb 24.
- 4 Qur'an 9:75–7.
- 5 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Nudhūr', Bāb 27.
- 6 Qur'an 27:23–24.

- 7 Qur'an 29:8.
- 8 Qur'an, 39:8.
- 9 We say 'especially' and not 'exclusively'. The Qur'an teaches that having differences of opinion in religious matters does not excuse children from behaving in a courteous, respectful and affectionate manner towards their elders (31:15). Nor does it intend this human duty to be a privilege reserved for parents; on the contrary, it teaches us that people in general, irrespective of their beliefs, must benefit from our justice and our goodness (60:8).
- 10 Cf. Code Napoléon, Book 1, section 9.
- 11 Qur'an 4:58.
- 12 Ibid.
- 13 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Aḥkām', Bāb 3.
- 14 Qur'an 5:1.
- 15 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ijāra', Bāb 15.
- 16 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Shurūṭ', Bāb 13.
- 17 Ibn Mājah, *Sunan*, 'Kitāb al-Aḥkām', Bāb 23.
- 18 Aḥmad, *Musnad*, via 'Imrān ibn Huṣayn.
- 19 Al-Tirmidhī, *Sunan*, 'Kitāb Ṣifāt al-qiyāma', Bāb 1.
- 20 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Waṣiyya', Bāb 9.
- 21 Qur'an 2:134, 141.
- 22 Qur'an 7:21.
- 23 Qur'an 7:20.
- 24 Qur'an 20:115.
- 25 Qur'an 20:122.
- 26 Qur'an 12:79.
- 27 Qur'an 102:21.
- 28 Qur'an 29:12.
- 29 Qur'an 16:25.
- 30 Qur'an 2:166-7; 7:38-9; 34:31-2; 40:47-8; 43:36-9.
- 31 Qur'an 16:88.
- 32 Qur'an 11:35; 42:15; 34:25.
- 33 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Zakāt', Bāb 20.
- 34 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-I'tisām', Bāb 12.
- 35 Qur'an 5:32.
- 36 Qur'an 5:79.
- 37 Qur'an 7:165; 6:47.
- 38 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Waṣiyya', Bāb 3.
- 39 Qur'an 2:134; 31:33.
- 40 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Dhikr', Bāb 2.
- 41 Qur'an 21:47, 91:7-8.
- 42 Qur'an 7:43; 15:47.
- 43 Qur'an 4:69.
- 44 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Adab', Bāb 96.
- 45 Qur'an 2:225; 10:3, 13:41, 21:28, 23:88, 34:23, 39:44, 43:86, 53:26, 78:38.
- 46 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Fitan', Bāb 1.
- 47 Qur'an 5:100.
- 48 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Birr', Bāb 7.
- 49 Qur'an 53:32.

- 50 Qur'an 53:39.  
 51 Qur'an 7:156.  
 52 Qur'an 7:156.  
 53 Qur'an 4:165.  
 54 Qur'an 7:172-3.  
 55 Qur'an 6:130-1; 26:208-9.  
 56 Abū Dawūd, *Sunan*, 'Kitāb al-Ḥudūd', Bāb 17; al-Bukhārī, *Ṣaḥīḥ*, *Kitāb al-muḥāribīn min ahl al-kufr wa'l-ridda*, Bāb 8.  
 57 Qur'an 24:27.  
 58 Qur'an 24:58.  
 59 Cf. Abū Dawūd, *Sunan*, 'Kitāb al-Ṣalāt', Bāb 26.  
 60 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Zakāt', *Zakāt al-ʿushr*, Bāb 6; 'Kitāb al-Jihād', Bāb 176.  
 61 In his attacks on the Jesuits, Pascal seems to have somewhat exaggerated Aristotle's tone, having him say that all wicked people are ignorant of what they should do or of that from which they should abstain. According to him, Aristotle radically separates ignorance *de facto* (the circumstances of the action) from ignorance *de jure* (of the good or evil of the action). Only the former makes the action excusable (*Provinciales*, Fourth Letter). This exclusivity does not seem to us to be Aristotelian, because Aristotle himself gives, among cases worthy of pardon and pity, that of Aeschylus, who revealed mysteries without knowing that it was forbidden (*Ethics*, beginning of Book 3). Making virtue coincide with knowledge of good and evil would be to confuse Aristotle's theory with that of Plato or Socrates.  
 62 Qur'an 43:36.  
 63 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 54.  
 64 Qur'an 2:285.  
 65 Mālik, *al-Muwaṭṭa'a*, 'Kitāb al-Īmān', Bāb 5.  
 66 Qur'an 5:89.  
 67 Qur'an 2:229.  
 68 Qur'an 4:94.  
 69 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Diyāt', Bāb 1.  
 70 See also Qur'an 2:286, with its commentary cited above on p. 84.  
 71 Cf. Paul Janet, *La Morale*, Bāb 1, p. 42.  
 72 'The will and freedom are but one and the same thing', said Descartes (*Réponses aux troisièmes objections*).  
 73 Cf. Descartes, 'Première méditation'.  
 74 Descartes, 'Réponses aux cinquièmes objections'.  
 75 Descartes, 'Lettres au Père Mersenne', Lettre 47.  
 76 Levy-Bruhl, *La responsabilité*, ch. 3, § 2.  
 77 Qur'an 91:9-10.  
 78 Cf. Ibn Taymiyya, *Minhāj al-sunna*, vol. 1, p. 110.  
 79 Ibn Taymiyya, *Minhāj al-sunna*, vol. 2, p. 58.  
 80 Ibn Taymiyya, *Minhāj al-sunna*, vol. 1, p. 111.  
 81 Qur'an 31:end.  
 82 Bergson, *Essai sur les données immédiates de la conscience*, ch. 3, p. 129.  
 83 If one would have it so, because, actually, the other motivated faculties do not by themselves determine the will absolutely. They only facilitate its execution and give it more opportunity to be set in motion. After all, I could say yes, even if I do not want to; and, in order to maintain my position and remain firm against all

incitements, I will always have the time to use this effective means of resistance, which consists of turning my attention away and thinking about something else.

- 84 The idea which we are developing here is already indicated in a well-known *ḥadīth*, where it concerns precisely the battle with the impulse to wake up. The recommended process consists of several stages, designed to break successively these physical impediments of the will: to say something recalling one's duty; to get up, to rinse the face and limbs with water, etc. . . . Once the body is refreshed by an effort which is, at the beginning, a little tedious, it will nevertheless give the soul its fervour and its joy (Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Tahajjud', Bāb 12).
- 85 Qur'an 14:22; 74:37.
- 86 Qur'an 7:176; 37:69–70.
- 87 Qur'an 5:3.
- 88 Ibn Rushd, *Bidāya*, vol. 2, p. 232.
- 89 Draz, *Al-Mukhtār*, published in Cairo in 1932.
- 90 Qur'an 6:108, 125; 8:24; 81:end.
- 91 Qur'an 43:36.
- 92 Qur'an 83:14.
- 93 Qur'an 7:176.
- 94 Qur'an 56:58–9.
- 95 Qur'an 56:63–4.
- 96 Qur'an 6:112; 77:30; 81:29.
- 97 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb Bad' al-Khalq', Bāb 20; Muslim, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 7.
- 98 Qur'an 49:17; 5:41.
- 99 Qur'an 12:34.
- 100 Qur'an 12:34.
- 101 Qur'an 17:74.
- 102 Qur'an 48:26; 28:10.
- 103 Qur'an 49:7.
- 104 Qur'an 49:7.
- 105 Matthew, 22:14.
- 106 Qur'an 9:25.
- 107 Qur'an 2:128.
- 108 Qur'an 27:19.
- 109 Qur'an 19:32.
- 110 Qur'an 3:7.
- 111 Qur'an 12:33; 12:53; 114:1–4. We also read the beautiful traditional personal prayers: *Allāhumma raḥmatuka arjū fa-lā takilnī ilā naṣfī tarafa* 'ayn: 'My Lord, I place all my hope in your mercy; not to leave me to myself, even for one instant.' *Innaka an takilnī ilā naṣfī takilunī ilā ḍa'if wa-ʿawra, wa dhanb wa-khatiya, wa-tuqarribunī min al-shar, wa-tubāʿidunī min al-khayr*: 'If you entrust me to myself, you will abandon me to weakness, to vulnerability, to blame, to sin; you will bring me closer to evil and take me away from good, and I only have trust in your compassion.'
- 112 Qur'an 1:4–5.
- 113 Qur'an 48:26.
- 114 Qur'an 6:53.
- 115 Qur'an 48:18.
- 116 Qur'an 43:36; 8:23.
- 117 Qur'an 2:26.

- 118 Qur'an 42:13.  
 119 Qur'an 6:149.  
 120 Qur'an 16:93.  
 121 Fauconnet, *La responsabilité, étude de sociologie*, p. 59.  
 122 Fauconnet, *La responsabilité, étude de sociologie*, p. 59.  
 123 Fauconnet, *La responsabilité, étude de sociologie*, p. 60–1.  
 124 Fauconnet, *La responsabilité, étude de sociologie*, p. 61.  
 125 Fauconnet, *La responsabilité, étude de sociologie*, p. 63.  
 126 Fauconnet, *La responsabilité, étude de sociologie*, p. 31.  
 127 Fauconnet, *La responsabilité, étude de sociologie*, p. 41.  
 128 Fauconnet, *La responsabilité, étude de sociologie*, p. 34.  
 129 Fauconnet, *La responsabilité, étude de sociologie*, p. 35.  
 130 Fauconnet, *La responsabilité, étude de sociologie*, p. 42.  
 131 Fauconnet, *La responsabilité, étude de sociologie*, p. 30.  
 132 Fauconnet, *La responsabilité, étude de sociologie*, p. 117.  
 133 Fauconnet, *La responsabilité, étude de sociologie*, p. 129.  
 134 Fauconnet, *La responsabilité, étude de sociologie*, p. 110.  
 135 Fauconnet, *La responsabilité, étude de sociologie*, p. 113.  
 136 Fauconnet, *La responsabilité, étude de sociologie*, p. 130.  
 137 Fauconnet, *La responsabilité, étude de sociologie*, p. 107.  
 138 Fauconnet, *La responsabilité, étude de sociologie*, p. 133.  
 139 Fauconnet, *La responsabilité, étude de sociologie*, p. 135–6.  
 140 Fauconnet, *La responsabilité, étude de sociologie*, p. 122, note 1.  
 141 See p. 81 above.  
 142 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Mussāqāt', Bāb 4; 'Kitāb al-Diyāt', Bāb 28.  
 143 See p. 114 below.  
 144 We note only that at the level of divine sanction, Islamic ethics seems to distinguish between good and evil actions. Although the execution of a good intention increases its value and multiplies its reward, in the eyes of the All-Merciful the two aspects of the sin only count as two aspects of the one and single act (6:160): *man jā'a bi'l-ḥasanati fa-lahu 'ashru amthālihā, wa-man jā'a bi'l-sayyi'ati fa-lā yujzā illā mithlahā*. Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Riqāq', Bāb 30. Concerning the interpretation of this ḥadīth, see also al-Ghazālī, *Iḥyā'*, vol. 8, p. 35.  
 145 See al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Aḥkam', Bāb 19.  
 146 Some extending this annulment to all sanctions relative to common rights violated by rebels, except for the restitution of objects that they still have in their hands; others also excluding the murder which has not been forgiven by the victim's family; still others reserving equally all prejudices that have not been relinquished by having the right to them; finally others, such as Imām Mālik, only allowing this remission a very restricted influence, affecting exclusively that which is specific and exceptional to the punishment for rebellion (meaning its application to terrorists, not murderers or thieves). According to this School, those who cause sedition and who voluntarily return to the heart of society are still liable for all the punishments relative to the ordinary common law, and even to the personal statute which is called 'the law of God' – *ḥaqq Allāh*; for example, the punishment for alcoholism. Cf. Ibn Rushd, *Bidāya*, vol. 2, p. 382.  
 147 Cf. Ibn Ḥazm, *al-Muḥallā*, vol. 11, p. 126.  
 148 See p. 128 below.

- 149 Cf. al-Amīr, *al-Majmūʿ*, vol. 2, p. 358.  
 150 Qur'an 4:92.  
 151 Cf. Ibn Ḥazm, *al-Muḥallā*, vol. 11, p. 2.  
 152 Ibn Rushd, *Bidāya*, vol. 2, p. 348.  
 153 Qur'an 21:78–9.  
 154 Cf. Ibn Ḥazm, *al-Muḥallā*, vol. 10, p. 344; vol. 11, p. 6.  
 155 Without doubt one can assume that at the limit, but at the limit only, there are cases where, despite all the precautions and all the efforts of discernment that have been used by the one who has committed manslaughter, he is wrong about the nature of his objective. In this case, where the error is not explained by negligence, the punishment cannot be considered as an expiation for a crime, whether major or minor. So, instead of turning to the past, we believe it can be explained as a form of prevention for the future. The error is a source of evil, and evil must not triumph. In the moral order, it brings about vice, as in the intellectual order falsehood, vice and falsehood being the two great sins which defile the soul, deplete its energy and its purity. Certainly, when an error is committed, nothing can be done to reverse it. When it is not still there, nothing can be done to prevent it, at least according to the hypothesis where one has done all that is humanly possible to avoid it. It is not therefore as an accomplished deed, or an eventual historical reality that one can fight against it, but if one remains inactive in the face of the evil it produces, this will tend to recur and to persist. Due to our being in the habit of it, it can awaken in us bad tendencies which hitherto were dormant. Thus, the action performed first through inadvertence can degenerate into a free and voluntary action. Now, if the error has a reality, is also has a finality. It is not there to impose itself imperiously upon us and make us subject to its fatal consequences, but to elicit our intellectual curiosity and our moral energy in order to avoid its harmful effects. If we cannot avoid error in itself, we always have the means of preventing the bad tendencies which it is inclined to create; thus, the frequent repetition of the sin, a repetition liable to happen in the absence of any opposing action. Our reaction will be all the more efficacious if it consists, not of a passing regret or an anodyne reproach of our nature, but in voluntary actions, capable of affecting our feelings, of fixing themselves in our memory and of inspiring our moral concern. Such can be the benefits that await us from a sacrifice freely made in the wake of an unintentional sin, in limited cases.
- 156 Qur'an 4:92.  
 157 Qur'an 9:60.  
 158 al-Amīr, *al-Majmūʿ*, vol. 2, p. 372.

### 3. Sanction

- 1 Cf. Levy Bruhl, *L'idée de la responsabilité*, ch. 3, 1.
- 2 Cf. Aḥmad, *Musnad*, through Abū Umāma.
- 3 Cf. al-Tirmidhī, *Sunan*, '*Kitāb al-Sifāt al-qiyaṃa*', Bāb 49.
- 4 Qur'an 24:31.
- 5 Qur'an 4:110.
- 6 Qur'an 6:18.
- 7 Qur'an 4:17; 3:125.
- 8 Muslim, *Ṣaḥīḥ*, '*Kitāb al-Tawba*', Bāb 5.



- 9 Al-Ghazālī, *Iḥyā'*, vol. 4, p. 40.
- 10 Qur'an 22:60; 6:54; 16:119.
- 11 Qur'an 5:93.
- 12 Qur'an 2:185; 18:24.
- 13 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Maẓālim', Bāb 10; 'Kitāb al-Riqāq', 'Bāb al-Qiṣās'.
- 14 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Birr', Bāb 15.
- 15 Aḥmad, *Musnad*, through °Ā°isha.
- 16 Qur'an 8:38.
- 17 Qur'an 8:33; 39:53–4; 42:25.
- 18 See also Qur'an 17:15; 29:6; 35:18.
- 19 Qur'an 29:45.
- 20 Qur'an 9:103.
- 21 Qur'an 2:183.
- 22 Qur'an 70:19–34.
- 23 Qur'an 5:91.
- 24 Cf. Tayalissī, quoted by al-Suyūṭī, *al-Jāmi'*.
- 25 Ibn Majah, 'Kitāb al-Ashāriba', Bāb 1.
- 26 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Adab', Bāb 69.
- 27 Qur'an 16:105.
- 28 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ḥudūd', Bāb 1.
- 29 Al-Tirmidhī, as quoted by Ibn al-Dayba°, *Taysīr*, 'Kitāb Lawāḥik', Bāb 1.
- 30 Qur'an 83:14.
- 31 Qur'an 8:29.
- 32 Quran 91:9–10.
- 33 Qur'an 83:7; 83:18.
- 34 Does murder belong to the same group? The majority of legislators say no. For them the right of those concerned carries here a collective right. Even if the cause has been pleaded, the pardon accorded to the murderer by his victims is enough to remove the matter from the hands of public authority, which will have nothing else to claim against the perpetrator. Referring to certain traditions of controversial authority, the Mālikite School, on the contrary, considers that the forgiveness granted by the victim's family can reduce the punishment, but not remove it. In this case, the criminal will be exempted from the punishment of death, but he does not remain completely unpunished. One hundred lashes and one year in prison or solitary confinement will diminish both the chance of the crime being repeated and the contagious influence of his bad example. We note that this controversy is only in the usual case of a murder that is committed during a fight, for example. In the case of gross murder, or even that which is simply premeditated: assassination, murder through betrayal, ambush etc., the Schools are unanimous in teaching that it is absolutely impossible to pardon the particulars, and that the capital punishment for murder must be applied.
- 35 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ḥudūd', Bāb 12.
- 36 Mālik, *Muwaṭṭa'a*, 'Kitāb al-Ḥudūd', Bāb 9.
- 37 Abū Dāwūd, quoted by al-Suyūṭī, *al-Jāmi'*.
- 38 Qur'an 5:38.
- 39 Qur'an 5:33.
- 40 Qur'an 24:2.
- 41 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Ḥudūd', Bāb 3.

- 42 Qur'an 24:4.
- 43 Mālik, *Muwaṭṭa'a*, 'Kitāb al-Ashāriba', Bāb 1.
- 44 Al-Tirmidhī, 'Kitāb al-Ḥudūd', Bāb 14.
- 45 Qur'an 24:2.
- 46 Qur'an 24:4.
- 47 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ḥudūd', Bāb 14.
- 48 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-'Ilm', Bāb 9.
- 49 We say 'valid', because, as Ibn Hazm, *al-Muḥallā*, vol. 11, p. 243, has shown, a supposition which is gratuitous or contradicted by facts will not determine a condemnation, nor establish an acquittal. It is not then in a universal sense of 'unacceptable' that the famous legal formula *adra'ū al-ḥudūd bi'l-shubahāt*, which is often wrongly believed to be a ḥadīth, and whose origin actually goes back no earlier than the second generation of Muslims, must be taken; but, thus restricted and duly interpreted, it becomes acceptable and accepted by all. Elsewhere, al-Tirmidhī gives us a similar formula attributed to the Prophet: *adra'ū al-ḥudūd 'an al-muslimīn mā istata'tum*.
- 50 Qur'an 49:12.
- 51 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 10.
- 52 Mālik, *al-Muwaṭṭa'a*, 'Kitāb al-Ḥudūd', Bāb 1.
- 53 Ibn Hazm, *al-Muḥallā*, vol. 11, p. 153.
- 54 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Adab', Bāb *Satr al-mu'min 'alā nafsi*.
- 55 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Ḥudūd', Bāb 51.
- 56 Ibid.
- 57 Cf. Abū Dāwūd, quoted by al-Suyūṭī, *al-Jāmi'*.
- 58 See, for example, Kant, *Critique de la raison pratique*, p. 130; G.-Demombynes, *Institutions musulmanes*, pp. 62–3.
- 59 The Holy Bible, New Revised Standard Version (London: HarperCollins Publishers Ltd, 1998). For example, 'If we diligently observe this entire commandment before the Lord our God, as He has commanded us, we will be in the right' (Deuteronomy 6:25), and again 15:9, 'Be careful that you do not entertain a mean thought . . . and therefore view your needy neighbour with hostility and give nothing; your neighbour might cry to the Lord against you, and you would incur His wrath.'
- 60 Genesis 3:3. Compare with the Qur'an 2:35; 7:18: *lest you become wrongdoers*.
- 61 Genesis 4:11–12.
- 62 Genesis 9:1.
- 63 Genesis 22:16–17.
- 64 Genesis 27:28–29.
- 65 Genesis 35:11–12.
- 66 Exodus 23:25–27.
- 67 Leviticus 26:3–17.
- 68 Deuteronomy 7:5–6. See also 11:13 onwards.
- 69 Exodus 15:5–6.
- 70 Deuteronomy 12:5–6.
- 71 Contrary to what the Qur'an tells us about them (26:87; 7:156).
- 72 Matthew 19:21; Mark 10:21.
- 73 Luke 12:29–34.
- 74 Paul, First Epistle to Timothy 6:17–19.
- 75 John, First Epistle 2:15 and 25.

- 76 It might also be appropriate to exclude a few passages in St Paul's Epistles, where obedient children are promised a long life on earth (Ephesians 6:3); generous people are promised enough material riches to satisfy all their needs and to give to the needy (II Corinthians 9:8-11). It explains the deaths and the great number of the sick and infirm among them by their missing a certain religious duty (I Corinthians 11:29-30).
- 77 Following each group of references to verses expressing a similar idea, we will make an addition, designating 'A' for the Meccan texts and 'B' for the Medinan ones.
- 78 10B = (2:275; 4:7, 11, 12, 24 twice, 103; 9:60; 58:3; 60:10).
- 79 Qur'an 33:36.
- 80 Qur'an 4:66.
- 81 Ibid.
- 82 See, in particular, 4:11, 12, 24; 9:60; 60:10.
- 83 Incidentally, we note that the Qur'an never neglects to present the pre-Islamic revelations in the same impartial tone, revelations which it only brings as a confirmation of or necessary complement to its own.
- 84 It is in order to avoid such a scruple we have eliminated from this category all formulas which say *dhālika khayr lakum*: 'this is better for you', an expression which can have two different interpretations: either this is to your advantage, because of the reward attached to it, or this is better for your soul, for the perfection of your inner being. It is for this reason that we have omitted, from among the formulas which condemn sinning against oneself, those whose context tends to signify not only defilement and moral degradation, but also exposure to the risk of punishment.
- 85 Qur'an 6:90; 12:104; 23:72; 38:86; 42:23; 52:40; 68:46 (= 7A).
- 86 Qur'an 2:256; 3:20; 5:92, 99; 6:60; 10:99, 108; 13:40; 16:82; 38:87; 39:41; 42:48; 43:44; 64:12; 68:52; 69:48; 74:54; 76:29; 80:11; 81:27; 88:21-22 (= 17A, 4B).
- 87 Qur'an 21:5; 27:224; 36:69; 37:36; 69:41; 52:30 (= 6A).
- 88 Qur'an 52:29; 69:42 (= 2A).
- 89 Qur'an 21:5 (= 1A).
- 90 Qur'an 7:184; 23:70; 34:8, 46; 37:36; 44:14; 52:29; 68:2, 51; 81:22 (= 10A).
- 91 Qur'an 26:210; 81:25 (= 2A).
- 92 Qur'an 7:203; 10:15, 37, 38; 11:13, 35; 12:111; 16:101; 21:5; 25:4; 32:3; 34:8, 43; 42:24; 46:8; 52:33; 69:44 (= 17A).
- 93 Qur'an 53:3 (= 1A).
- 94 Qur'an 4:174; 5:15; 6:104, 122; 7:157, 203; 13:16; 14:1; 24:35, 40; 33:46; 35:20; 39:22; 42:52; 45:20; 57:9; 64:8 (= 12A, 5B).
- 95 Qur'an 2:2, 5, 97, 137, 150; 3:20, 103, 138; 6:157; 7:52, 158, 203; 9:18, 33; 10:57, 108; 12:111; 16:64, 89, 102; 20:135; 24:54; 27:2, 77; 28:49, 85; 31:3, 5; 32:3; 33:4; 34:24; 39:18; 41:44; 43:24; 45:11, 20; 48:28; 53:2, 23, 30; 61:9; 68:7; 93:7; 96:11 (= 30A, 14B).
- 96 Qur'an 1:5; 2:256; 3:101; 4:46; 6:39, 126, 153, 161; 16:76; 17:9; 18:1; 20:135; 22:67; 23:73; 24:46; 30:30; 36:4, 61; 39:28; 42:52; 43:43, 61; 46:30; 67:22; 72:2; 81:28; 98:3, 5 (= 20A, 6B).
- 97 Qur'an 39:23 (= 1A).
- 98 Qur'an 15:27 (= 1A).
- 99 Qur'an 73:5; 86:13, 14 (= 3A).
- 100 Qur'an 30:30 (= 1A).
- 101 Qur'an 16:9 (= 1A).

- 102 Qur'an 2:135; 3:95; 4:26; 6:90; 16:123; 21:92; 23:52; 37:37; 42:13 (= 6A, 3B).
- 103 Qur'an 6:115; 16:76 (= 2A).
- 104 Qur'an 2:26, 91, 109, 119, 213; 3:60, 62, 108; 4:105, 170; 5:48, 83, 84; 6:5, 66, 114, 115; 7:181; 8:6, 7, 8; 9:33; 10:35, 53, 94, 108; 11:17, 102; 13:1,19; 16:102; 17:81, 105; 18:29, 56; 19:34; 21:18; 22:6, 62; 23:70, 90; 28:48, 53; 31:30; 32:3; 33:4; 34:6, 48, 49; 35, 24, 31; 37:37; 39:2, 41; 40:5; 41:42, 53; 42:17, 24; 43:30, 78; 45:6; 46:7, 30; 47:2, 3; 48:28; 50:5; 51:23; 61:9; 69:51 (= 47A, 23B).
- 105 Qur'an 6:57, 157; 11, 17; 27:79; 29:49; 40:66; 47:14; 57:9; 65:11; 98:1, 4 (= 7A, 4B).
- 106 Qur'an 2:129, 151, 282; 3:164; 4:113, 116; 11:14; 20:114; 62:2 (= 2A, 7B).
- 107 Qur'an 2:129, 151, 231, 269; 3:164; 4:113; 10:1; 17:39; 31:2; 33:34; 43:4; 54:5; 62:2 (= 5A, 8B).
- 108 Qur'an 2:256; 31:22 (= 1A, 1B).
- 109 Qur'an 10:57; 17:82; 41:44 (= 3A).
- 110 Qur'an 2:129; 151; 3:164; 62:2; 80:3; 91:9 (= 2A, 4B).
- 111 Qur'an 6:122; 8:24; 25:22 (= 2A, 1B).
- 112 Qur'an 9:122; 16:43; 21:7 (= 2A, 1B).
- 113 Qur'an 90:11-17 (= 1A).
- 114 Qur'an 33:21; 46:35; 60:4; 61:14 (= 1A, 3B).
- 115 Qur'an 17:110; 25:67 (= 2A). One will read in the same order of ideas: 5:87; 6:141; 7:31. Only, here the formulas are followed by a religious commentary, explaining that God does not like excess. Thus, the moral principle posited firstly as a value in itself is also judged and assessed by this supreme authority. Consequently, we have had to omit these citations as they do not belong to the category with which we are presently occupied, but rather they are of the realm of divine sanction, which we will study later.
- 116 Qur'an 42:15 (= 1A).
- 117 Qur'an 2:148; 3:114; 5:48; 23:61 (= 1A, 3B).
- 118 Qur'an 11:7; 18:7; 67:2 (= 3A).
- 119 Qur'an 17:53 (= 1A).
- 120 Qur'an 4:171; 9:119; 39:33 (= 1A, 2B).
- 121 Qur'an 24:30, 31, 33; 33:32, 33; 70:29-30; 74:4 (= 2A, 5B).
- 122 Qur'an 2:168, 172; 5:4, 5; 16:114 (= 1A, 4B).
- 123 Qur'an 2:177; 18:28; 74:7 (= 2A, 1B).
- 124 Qur'an 25:63 (= 1A).
- 125 Qur'an 4:94; 49:6, 12 (= 3B).
- 126 Qur'an 16:90 (= 1A). The word *iḥsān* (charity) comes from the transitive verb *aḥsana*: to do well, to do something excellently; or the intransitive *aḥsana ilayhi*: to do an act of charity.
- 127 Qur'an 6:151; 17:23; 19:8; 46:15 (= 4A).
- 128 Qur'an 17:23-34 (= 1A).
- 129 Qur'an 2:229, 231; 4:19; 65:2 (= 4B).
- 130 Qur'an 2:233; 65:6 (= 2B).
- 131 Qur'an 2:233, 236; 65:7 (= 3B).
- 132 Qur'an 2:229, 236, 241; 33:49 (= 4B).
- 133 Qur'an 2:177; 16:90; 17:26 (= 2A, 1B).
- 134 Qur'an 4:36 (= 1B).
- 135 Qur'an 2:177; 16:90; 17:26 (= 1A, 2B).
- 136 Qur'an 2:177; 4:36; 9:60; 17:26; 70:24-25 (= 2A, 3B).

- 137 Qur'an 2:267; 3:92 (= 2B).  
 138 Qur'an 90:14-16 (= 1A).  
 139 Qur'an 2:177; 9:60; 90:13 (= 1A, 2B).  
 140 Qur'an 2:282; 6:152; 17:35 (= 2A, 1B).  
 141 Qur'an 13:22 (= 1A).  
 142 Qur'an 2:282, *ibid.*; 4:58, 127, 135; 5:8; 6:152; 7:29; 16:90; 42:15; 57:25 (= 5A, 6B).  
 143 Qur'an 17:35; 55:7-9 (= 2A).  
 144 Qur'an 2:282, 283; 65:2 (= 3B).  
 145 Qur'an 4:135; 6:152 (= 1A, 1B).  
 146 Qur'an 2:283; 4:58; 70:32 (= 2A, 2B).  
 147 Qur'an 2:177; 5:1; 13:20; 70:32. Notice, above all, with what insistence and precision the Qur'an commands this duty in international relations: *Do not use your oaths to deceive each other . . . just because one party may be more numerous than another. Allāh tests you with this* (16:92). As can be seen, these expressions have a powerful reality. Do you not have the impression that here, you are reading a recently made condemnation of the world problems of our own time? Can the causes of global conflict which rage more than ever before in our twentieth century be summed up in any better way?  
 148 Qur'an 59:9 (= 1B).  
 149 Qur'an 7:199; 24:22; 25:63, 72 (= 3A, 1B).  
 150 Qur'an 13:22; 23:96 (= 2A).  
 151 Qur'an 3:104, 110, 114; 7:157, 199 (= 2A, 3B).  
 152 Qur'an 9:71 (= 1B).  
 153 Qur'an 4:114 (= 1B).  
 154 *Ibid.*  
 155 Qur'an 5:2 (1B).  
 156 Qur'an 90:17 (= 1A).  
 157 Qur'an 3:103 (= 1B).  
 158 Qur'an 13:21 (= 1A).  
 159 Qur'an 59:9 (= 1B).  
 160 Qur'an 59:10 (= 1B).  
 161 Qur'an 16:125 (= 1A).  
 162 Qur'an 2:228, 232, 233, 234, 235, 240, 263; 4:5, 8, 114; 33:32 (= 11B).  
 163 Qur'an 2:177; 6:136 (= 1A, 1B).  
 164 Qur'an 24:54 (= 1B).  
 165 Qur'an 7:185; 30:8; 38:29 (= 3A).  
 166 Qur'an 33:41 (= 1B).  
 167 Qur'an 16:78; 28:73; 43:12-14; 56:63-64 (= 4A).  
 168 Qur'an 9:129; 39:38 (= 1A, 1B).  
 169 Qur'an 18:23 (= 1A).  
 170 Qur'an 2:165; 5:54 (= 2B).  
 171 Qur'an 2:21; 51:56 (= 1A, 1B).  
 172 Qur'an 2:263; 4:58, 59, 128; 7:26; 9:120; 17:35 (= 2A, 6B).  
 173 Qur'an 2:177, 189, 269; 3:92 (= 4B).  
 174 Qur'an 2:221; 4:19 (= 2B).  
 175 Qur'an 4:125; 5:50; 41:33 (= 1A, 2B).  
 176 Qur'an 2:282; 33:5 (= 2B).  
 177 Qur'an 29:45 (= 1A).

- 178 Qur'an 2:177; 22:32; 29:33; 49:3 (= 1A, 3B).
- 179 Qur'an 2:236 (= 1B).
- 180 Qur'an 3:123; 17:24; 46:15; 56:70; 106:3-4 (= 4A, 1B).
- 181 Qur'an 2:180, 241 (= 2B).
- 182 Qur'an 3:186; 42:43; 46:35 (= 2A, 1B).
- 183 Qur'an 4:75 (= 1B).
- 184 Qur'an 4:9 (= 1B).
- 185 Qur'an 4:94; 93:6-11 (= 1A, 1B).
- 186 Qur'an 14:22 (= 1B).
- 187 Qur'an 2:232; 5:6; 9:103; 33:33, 53; 58:12 (= 6B).
- 188 Qur'an 2:232, 9:103; 24:28, 30; 92:18 (= 1A, 4B).
- 189 Qur'an 73:6 (= 1A).
- 190 Qur'an 2:265; 4:66 (= 2B).
- 191 Qur'an 13:28; 39:23 (= 2A).
- 192 Qur'an 2:282 (= 1B).
- 193 Qur'an 29:45 (= 1A).
- 194 Qur'an 2:183, 187, 237; 5:8 (= 4B).
- 195 Qur'an 49:6 (= 1B).
- 196 Qur'an 25:71 (= 1A).
- 197 Qur'an 5:100 (= 1B).
- 198 Qur'an 2:177; 8:74; 9:44; 24:62; 29:3, 11; 49:15; 58:22; 59:8 (= 2A, 7B).
- 199 Qur'an 5:82, 83; 32:15 (= 1A, 2B).
- 200 Qur'an 3:7; 4:162; 13:43; 29:43, 49; 30:22; 34:6; 35:28; 39:9 (= 7A, 2B).
- 201 Qur'an 2:164, 269; 3:7; 6:97, 98, 105, 151, 152; 7:32; 9:11; 10:5, 24; 13:3, 4, 19; 16:11, 12, 13, 67, 69; 30:21, 23, 24, 28; 38:29; 39:9, 18, 21, 42; 45:5 (= 26A, 4B).
- 202 Qur'an 36:70 (= 1A).
- 203 Qur'an 6:50, 104; 11:24; 12:108; 13:16; 24:44; 35:19; 40:58 (= 7A, 1B).
- 204 Qur'an 2:186; 49:7; 72:14 (= 1A, 2B).
- 205 Qur'an 68:4 (= 1A).
- 206 Qur'an 3:110; 98:7 (= 2B).
- 207 Qur'an 4:29 (= 1B).
- 208 Qur'an 4:24, 25; 5:5; 17:32; 25:68 (= 2A, 3B).
- 209 Qur'an 4:25; 5:5; 24:33 (= 3B).
- 210 Qur'an 6:151; 7:33; 16:90 (= 3A).
- 211 Qur'an 22:30 (= 1B).
- 212 Qur'an 4:49; 53:32 (= 1A, 1B).
- 213 Qur'an 4:135 (= 1B).
- 214 Qur'an 3:156; 8:47; 33:69 (= 3B).
- 215 Qur'an 4:32; 15:88; 18:28 (= 2A, 1B).
- 216 Qur'an 89:19-20 (= 1A).
- 217 Qur'an 17:37 (= 1A).
- 218 Qur'an 24:31, 60; 33:33 (= 3B).
- 219 Qur'an 4:2; 74:5 (= 1A, 1B).
- 220 Qur'an 6:151; 17:31 (= 2A).
- 221 Qur'an 17:23 (= 1A).
- 222 Qur'an 2:229, 231, 232, 233; 4:19; 65:6 (= 6B).
- 223 Qur'an 6:151; 17:33; 25:68 (= 3A).
- 224 Qur'an 2:11; 7:56 (= 1A, 1B).

- 225 Qur'an 5:2; 7:33; 16:90 (= 2A, 1B).  
 226 Qur'an 2:188; 4:29 (= 2B).  
 227 Qur'an 4:6; 6:152; 17:34 (= 2A, 1B).  
 228 Qur'an 107:2 (= 1A).  
 229 Qur'an 93:9 (= 1A).  
 230 Qur'an 89:17 (= 1A).  
 231 Qur'an 89:18; 107:3 (= 2A).  
 232 Qur'an 93:10 (= 1A).  
 233 Qur'an 2:267 (= 1B).  
 234 Qur'an 74:6 (= 1A).  
 235 Qur'an 49:17 (= 1B).  
 236 Qur'an 25:72 (= 1A).  
 237 Qur'an 8:27 (= 1B).  
 238 Qur'an 24:27-28, 58-59, 61 (= 3B).  
 239 Qur'an 24:62 (= 1B).  
 240 Qur'an 49:12 (= 1B).  
 241 Ibid. (= 1B).  
 242 Qur'an 49:11 (= 1B).  
 243 Ibid. (= 1B).  
 244 Qur'an 5:2 (= 1B).  
 245 Qur'an 3:103 (= 1B).  
 246 Qur'an 59:19 (= 1B).  
 247 Qur'an 6:136 (= 1A).  
 248 Qur'an 33:36 (= 1B).  
 249 Qur'an 2:22; 18:end (= 1A, 1B).  
 250 Qur'an 2:224; 5:89; 6:108 (= 1A, 2B).  
 251 Qur'an 1:7; 2:16, 108, 175; 3:90, 164; 4:44, 60, 116, 136, 167, 176; 5:12; 6:39, 56, 116, 119, 140, 144; 7:179; 10:45, 108; 14:3; 18:104; 19:38; 22:4, 12; 25:42, 44; 28:50, 85; 30:29; 31:11; 33:36; 34:24; 36:62; 39:22; 41:52; 42:18; 43:40; 46:5, 32; 53:30; 54:47; 60:1; 62:2; 67:29; 68:7 (= 31A, 17B).  
 252 Qur'an 7:179, 205 (= 2A).  
 253 Qur'an 2:17; 6:39, 22; 13:16; 14:1; 24:40; 35:20; 57:9; 65:11 (= 7A, 2B).  
 254 Qur'an 4:27, 135; 23:74; 27:60 (= 2A, 2B).  
 255 Qur'an 4:22; 17:32 (= 1A, 1B).  
 256 Qur'an 9:37; 18:104; 35:8; 43:37; 47:14; 19:11 (= 3A, 3B).  
 257 Qur'an 67:22 (= 1A).  
 258 Qur'an 22:31 (= 1B).  
 259 Qur'an 6:119; 7:176; 18:28; 28:50; 30:29; 42:15; 47:14, 16 (= 6A, 2B).  
 260 Qur'an 25:43; 45:23 (= 2A).  
 261 Qur'an 2:90, 102; 3:187; 18:50 (= 1A, 3B).  
 262 Qur'an 4:38; 17:27; 22:13 (= 1A, 2B).  
 263 Qur'an 2:168, 208; 7:27; 18:50; 35:6 (= 3A, 2B).  
 264 Qur'an 49:11 (= 1B).  
 265 Qur'an 4:140; 5:51 (= 2B).  
 266 Qur'an 7:176; 177; 179; 25:44; 62:5 (= 5A).  
 267 Qur'an 49:12 (= 1B).  
 268 Qur'an 2:17, 18, 171; 6:50, 104; 11:24; 13:16, 19; 22:46; 27:81; 28:72; 30:53; 32:27; 35:19; 40:58; 41:44; 43:40 (= 13A, 4B).

- 269 Qur'an 2:18, 171; 6:39; 7:100, 179; 8:22; 10:42; 11:24; 21:45; 25:44; 27:80; 28:71; 30:52; 41:4, 44; 43:40 (= 13A, 3B).
- 270 Qur'an 2:102, 103; 6:35, 37, 111; 16:101; 21:24; 27:61; 28:57; 30:30, 59; 31:25; 34:28, 36; 39:9, 29, 49, 64; 40:57; 45:26; 63:8 (= 18A, 3B).
- 271 Qur'an 2:44, 171; 3:65; 4:78; 5:58, 103; 7:179; 8:22; 9:81, 127; 23:80; 25:44; 29:63; 36:62; 49:4; 59:13, 14; 63:7 (= 5A, 13B).
- 272 Qur'an 53:30 (= 1A).
- 273 Qur'an 30:7 (= 1A).
- 274 Qur'an 10:39; 27:84 (= 2A).
- 275 Qur'an 3:66; 22:3, 8; 31:20 (= 1A, 3B).
- 276 Qur'an 2:80, 169; 4:157; 6:100, 108, 119, 140, 143, 144, 148; 7:28, 33; 10:68; 17:5; 22:71; 24:15; 30:29; 31:6; 43:20; 45:24; 46:4; 53:28 (= 17A, 5B).
- 277 Qur'an 3:151; 7:33; 21:24; 22:71; 27:64; 37:156; 40:35; 53:23 (= 6A, 2B).
- 278 Qur'an 18:51; 37:150; 43:19 (= 3A).
- 279 Qur'an 6:136; 16:59 (= 2A).
- 280 Qur'an 42:16 (= 1A).
- 281 Qur'an 5:68 (= 1B).
- 282 Qur'an 9:109 (= 1B).
- 283 Qur'an 29:41 (= 1A).
- 284 Qur'an 2:170; 3:154; 5:77, 104; 9:30; 33:33; 37:69, 70; 43:22 (= 2A, 6B).
- 285 Qur'an 2:78; 4:157; 6:116, 148; 10:36, 66; 43:20; 45:24, 32; 53:23, 28 (= 9A, 2B).
- 286 Qur'an 8:8; 16:72; 17:81; 18:56; 21:18; 22:62; 25:4; 24:67; 31:30; 34:49; 40:5; 42:24; 47:3; 58:2 (= 10A, 4B).
- 287 Qur'an 10:66; 19:42 (= 2A).
- 288 Qur'an 9:30; 13:33; 33:4; 53:23, 27 (= 3A, 2B).
- 289 Qur'an 3:75, 78; 4:50; 5:103; 6:112, 137, 140; 18:5; 23:90; 29:3, 12, 17; 37:86, 151, 152 (= 11A, 4B).
- 290 Qur'an 5:90 (= 1B).
- 291 Qur'an 2:256; 68:6 (= 1A, 1B).
- 292 Qur'an 2:13, 130; 6:140 (= 1A, 2B).
- 293 Qur'an 4:171; 5:77; 6:108; 11:112; 16:9; 18:28; 23:7; 70:31; 72:4 (= 7A, 2B).
- 294 Qur'an 2:169; 5:62, 63, 79; 9:9; 17:38; 63:2 (= 1A, 6B).
- 295 Qur'an 2:169, 268; 4:22; 7:28; 17:32; 24:21 (= 2A, 4B).
- 296 Qur'an 9:67; 24:21; 58:2 (= 3B).
- 297 Qur'an 4:22; 40:10 (= 1A, 1B).
- 298 Qur'an 2:282; 3:82; 5:3, 59, 81; 6:121, 145; 9:8, 67; 24:4, 55; 57:16, 26, 27; 59:19 (= 5A, 10B).
- 299 Qur'an 2:40, 145, 229, 254; 3:94; 5:107; 6:21, 52, 93, 144, 157; 7:37; 9:23; 10:17, 106; 11:18; 18:50, 57; 19:38; 24:50; 25:4; 19:49, 68; 30:29; 31:11; 32:22; 39:32; 49:11; 60:9; 61:7 (= 19A, 11B).
- 300 Qur'an 2:231; 4:97; 7:177; 10:23, 44; 35:32; 65:1 (= 4A, 3B).
- 301 Qur'an 2:217; 17:40; 18:5; 19:89; 24:15; 33:53 (= 3A, 3B).
- 302 Qur'an 2:88; 4:2, 20, 48, 50, 112; 5:106; 17:31; 33:58; 49:12 (= 2A, 8B).
- 303 Qur'an 2:283 (= 1B).
- 304 Qur'an 2:187 (= 1B).
- 305 Qur'an 5:41 (= 1B).
- 306 Qur'an 5:90; 9:28, 95, 125 (= 4B).
- 307 Qur'an 20:115 (= 1A).



- 308 Qur'an 9:45, 110; 24:50 (= 3B).  
 309 Qur'an 4:72-73 (= 1B).  
 310 Qur'an 24:48-49 (= 1B).  
 311 Qur'an 2:74; 6:43; 22:53; 57:16 (= 2A, 2B).  
 312 Qur'an 25:21; 40:56 (= 2A).  
 313 Qur'an 26:225 (= 1A).  
 314 Qur'an 26:226 (= 1A).  
 315 Qur'an 7:176 (= 1A).  
 316 Qur'an 5:91 (= 1B).  
 317 Qur'an 83:14; 91:10 (= 2A).  
 318 Qur'an 2:10; 5:52; 9:125; 12:53; 24:50; 47:20 (= 6B).  
 319 Qur'an 6:122; 27:80; 30:52; 35:22 (= 4A).  
 320 Qur'an 8:22, 55; 95:6; 98:6 (= 1A, 3B).  
 321 Qur'an 5:54; 33:39.  
 322 We have also ignored 1) the many passages where the formulas play more of a dogmatic than an ethical role, where the attention is focused upon the divine aspect (such as the attributes) rather than the human aspect (such as incitement to action); 2) the texts evoking a past action which could not therefore be considered to construct the will in view of the action evoked (for example 3:12, 153, 154; 33:9); finally, several passages where the aim of the formulas is less to warn us against neglecting our duties than to remind us of God's competence in different matters which we entrust to Him; for example, pray to God, trust in Him, He will listen to you (8:61; 40:56; 41:36).  
 323 Qur'an 2:215, 256, 271; 3:92; 4:35, 127, 128; 26:218; 52:48 (= 2A, 7B).  
 324 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 38.  
 325 Qur'an 2:149, 233, 234, 237, 244; 4:1, 33, 58; 5:7, 8; 8:39, 72; 9:16, 105; 11:123; 24:28, 29, 30, 60; 25:20:29:45; 33:34, 54, 55; 58:3, 13; 59:18; 63:11 (= 3A, 25B).  
 326 Qur'an 2:181, 224, 227, 231, 282, 283; 3:156; 4:94, 135, 148; 11:112; 16:91; 33:1, 2, 52; 49:1 (= 2A, 14B).  
 327 Cf. al-Tirmidhī, quoted by al-Ibn Dayba<sup>c</sup>, *Taysīr*, 'Kitāb al-Ḥayā', Bāb 1.  
 328 Qur'an 12:24.  
 329 Qur'an 3:135.  
 330 Qur'an 2:74, 77, 140, 144; 3:63, 98, 99, 167; 4:63, 108; 5:61, 71; 8:47; 9:78; 10:36; 11:5; 17:47; 21:4; 23:96; 24:53; 25:58; 27:93; 29:10; 35:8; 36:76; 42:6; 46:8; 49:18; 90:7 (= 13A, 16B).  
 331 One could add a fifth passage if one supported some interpretations of the Qur'anic argument favouring monogamy: 4:3. A small number of commentators see economical reasons in it: 'to avoid a heavy family burden', but according to the majority of exegetes and the most authoritative of them, there are moral reasons: *to avoid committing an injustice*. This interpretation is must fairer as it respects the rules of syntax better, the term *ta'awalū* bearing the first meaning only on condition that it implies a direct object, which is not given in this text.  
 332 (= 1B).  
 333 (= 1B).  
 334 (= 1B).  
 335 Qur'an 17:29 (= 1A).  
 336 (= 1A).  
 337 (= 1B).

- 338 (= 1B).
- 339 Qur'an 8:46 (= 1B).
- 340 (= 1B).
- 341 Qur'an 4:102 (= 1B).
- 342 Qur'an 4:84 (= 1B).
- 343 Qur'an 2:251 (= 1B).
- 344 Qur'an 22:40 (= 1B).
- 345 Qur'an 9:14 (= 1B).
- 346 We do not propose to deal with consequences which are called 'intransitive'. Attached to the object itself, they add to or detract from its value, but without consideration for their effects on the subject. Two passages in the Qur'an give value to this kind of natural finality. The famous parable of the good tree and the bad tree, highlighting the ethical characteristics of truth and falsehood (good or bad, solid or fragile, etc.), at the same time underlines their existential destinies: of being of use or only transitory (14:24, 26). It is the same with the parable of the foam which vanishes and the water which remains. These quotations belong here only inasmuch as the enduring and fruitful characteristic of truth can be more or less guaranteed by the law of nature. It is certainly difficult to prove that truth only has to be known and sufficiently disseminated for it to be acknowledged and championed. Nevertheless, even if it is persecuted and thwarted for a time, it will always find an impartial story that renders it homage and sane minds that it affects. One can even say that when the precarious course of falsehood succeeds, it is due to what it borrows from the laws of truth. In the same order of ideas as these parables, we might add several texts that show how absurd idolatry and polytheism are, since they invoke perishable entities (28:88), which are incapable of harming or helping, powerless to prevent anything which God intends to accomplish (5:76; 6:17, 46, 62, 71, 192-198; 10:18, 106; 13:14, 16; 17:56, 67; 21:42, 43; 22:12, 13; 25:3, 55; 28:71, 72; 30:30; 35:2, 3, 14; 36:75; 39:38; 46:5; 67:20, 21, 30). All this clearly describes an actual reality and not a vision of a possible future. We also note that the invocation of these entities does not lead to a positive natural consequence, but to an absence of consequence.
- 347 Cf. Matthew 12:15.
- 348 Cf. Mark 14:36.
- 349 Kant, *Critique de la raison pratique*, p. 93.
- 350 Kant, *Critique de la raison pratique*, p. 99.
- 351 Kant, *Critique de la raison pratique*, p. 162.
- 352 Cf. Ibn Taymiyya, *Minhāj al-sunna*, vol. 1, p. 269.
- 353 V. Cousin, *Introduction à l'histoire de la philosophie*, 9ème leçon.
- 354 Th. Jouffroy, *Cours de droit naturel*, 31ème leçon.
- 355 Qur'an 23:115.
- 356 Qur'an 3:144, 145; 6:120, 138, 147; 11:3, 111; 12:110; 32:22; 45:22; 46:19; 53:31, 41 (= 11A, 2B).
- 357 At most, we might envisage this equivalence by making a comparison, not with any particular action, limited in time and place, but with the overall act, through which the will determines for itself a rule of conduct that conforms or is contrary to the moral rule. According to this, the conscience aims at the absolute and would maintain its attitude eternally, if eternity were granted in this life.
- 358 Qur'an 9:111.

- 359 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Murḍā', Bāb 19.  
 360 Qur'an 16:32.  
 361 Thus for the good: 2:210; 3:148; 4:134; 12:56, 57; 16:30, 41, 97, 122; 29:27; 41:31 (= 8A, 3B). For the bad: 2:85, 114; 3:12, 56; 5:41; 9:74; 17:75; 22:9, 11; 24:19; 32:21; 39:26, 40; 41:16; 71:25 (= 6A, 9B).  
 362 For example, 2:276.  
 363 (= 1B).  
 364 Qur'an 4:97.  
 365 Qur'an 39:10.  
 366 Qur'an 17:112 and 39:17.  
 367 Qur'an 18:35–42.  
 368 Qur'an 68:24–33.  
 369 Qur'an 30:40.  
 370 Qur'an 11:102; 17:16. Except those who have shown goodness and gratitude, from whom God takes care to remove the scourge.  
 371 Qur'an 54:43.  
 372 Qur'an 6:6; 30:9; 35:44; 40:21, 82; 46:26.  
 373 Qur'an 17:68, 69.  
 374 Qur'an 7:97, 98.  
 375 Qur'an 16:46.  
 376 Qur'an 16:45; 67:16.  
 377 Qur'an 16:45.  
 378 Qur'an 16:47.  
 379 (= 1B).  
 380 (= 1B).  
 381 (= 1B).  
 382 (= 3B).  
 383 (= 3B).  
 384 Qur'an 3:68; 47:11, 22:78 (= 3B).  
 385 Qur'an 63:8 (= 1B).  
 386 (= 1B).  
 387 (= 1B).  
 388 (= 1B).  
 389 (= 1B).  
 390 (= 1A).  
 391 (= 1A).  
 392 (= 1B).  
 393 (= 1B).  
 394 Qur'an 3:12; 8:36; 54:45 (= 1A, 2B).  
 395 Qur'an 58:20 (= 1B).  
 396 Qur'an 9:2; 59:5 (= 2B).  
 397 Qur'an 47:11 (= 1B).  
 398 (= 1B).  
 399 Also the same formula in 48:38 and in 51:8–9 (= 3B).  
 400 Qur'an 30:4–5 (= 1A).  
 401 (= 1B).  
 402 Qur'an 39:69 (= 1A).  
 403 Qur'an 64:11 (= 1A).

- 404 Qur'an 2:257; 5:16; 33:43; 65:11 (= 4B).  
 405 Qur'an 4:68, 175; 5:16; 10:10; 22:54 (= 1A, 4B).  
 406 Qur'an 33:71 (= 1B).  
 407 Qur'an 8:29 (= 1B).  
 408 Qur'an 57:28 (= 1A).  
 409 Qur'an 47:2 (= 1B).  
 410 Qur'an 21:76; 47:17 (= 1A, 1B).  
 411 Qur'an 48:4, 18.  
 412 Qur'an 16:104; 3:86; 5:51; 6:144; 9:19, 100; 46:10; 61:7; 62:5; 5:108; 9:24, 80; 68:6; 61:5; 5:67; 9:37; 16:107; 39:3; 40:28 (= 6A, 13B).  
 413 Qur'an 14:27; 40:34; 45:23; 61:5 (= 3A, 1B).  
 414 Qur'an 5:13 (= 1B).  
 415 Qur'an 2:6; 4:155; 7:101; 9:87, 93; 10:74; 16:108; 18:57; 40:35; 45:23; 63:3 (= 6A, 5B).  
 416 Qur'an 47:23 (= 1B).  
 417 Qur'an 2:10 (= 1B).  
 418 Qur'an 2:15 (= 1B).  
 419 Qur'an 9:77 (= 1B).  
 420 Qur'an 59:19 (= 1B).  
 421 Qur'an 43:36 (= 1A).  
 422 Qur'an 2:257 (= 1B).  
 423 Qur'an 17:86; 42:24 (= 2A).  
 424 (= 4B).  
 425 (= 3B).  
 426 (= 1B).  
 427 (= 3B).  
 428 (= 2B).  
 429 (= 1B).  
 430 (= 1B).  
 431 (= 1B).  
 432 (= 1B).  
 433 Qur'an 2:152 (= 1B).  
 434 (= 1A).  
 435 (= 1B).  
 436 (= 1B).  
 437 Qur'an 3:162, 174 (= 2B).  
 438 Qur'an 39:7 (= 1A).  
 439 Qur'an 58:22 (= 1B).  
 440 (= 1B).  
 441 Qur'an 16:128; 29:69 (= 2A).  
 442 Qur'an 7:196; 45:19 (= 2A). Notice that this union and this alliance, which could be defined in the Medinan sūras as military aid, whose aim is to defend the believers against the blows of their adversaries, must be understood here more in the sense of a spiritual source of comfort, since armed combat had neither been ordained, nor authorised until much later after the revelation of these Meccan verses. Even in the Medinan sūras, there are passages which give an entirely moral definition of the divine alliance with the believers, for example 2:257 (= 1B).  
 443 Qur'an 49:13.  
 444 (= 1A).

- 445 Qur'an 2:205; 5:64 (= 2B).  
 446 (= 1A, 2B).  
 447 (= 1A, 2B).  
 448 (= 2A).  
 449 (= 1B).  
 450 (= 1A).  
 451 (= 1A, 1B).  
 452 (= 1A, 1B).  
 453 (= 1B).  
 454 (= 1B).  
 455 (= 1A).  
 456 (= 1B).  
 457 (= 1B).  
 458 Qur'an 61:3 (= 1B).  
 459 Qur'an 35:39 (= 1A).  
 460 Qur'an 40:35 (= 1A).  
 461 Qur'an 42:16 (= 1A).  
 462 Qur'an 86-7; 16:106 (= 1A, 1B).  
 463 Qur'an 2:88, 89, 90, 159, 161; 3:162; 4:52; 5:80; 33:57, 61, 64; 40:52; 47:23; 48:6 (= 1A, 13B).  
 464 Qur'an 4:93 (= 1B).  
 465 Qur'an 13:25 (= 1A).  
 466 Qur'an 24:23 (= 1B).  
 467 Qur'an 8:16 (= 1B).  
 468 (= 1B).  
 469 Qur'an 42:30.  
 470 Qur'an 3:185.  
 471 Qur'an 3:153.  
 472 Qur'an 18:108.  
 473 Qur'an 35:36.  
 474 Qur'an 2:214; 3:140, 141, 142, 152, 166; 9:16; 21:35; 29:2, 3; 30:41; 32:21; 47:31.  
 475 Paradise: 2:82; 3:185; 4:124; 9:21, 111; 11:23, 108; 18:107; 22:5-6; 23:22; 25:15; 26:90; 31:8; 32:19; 39:73; 40:8; 41:30; 42:7; 46:14, 16; 47:6; 50:31; 59:20; 68:34; 79:41; 81:13; 89:30 (= 19A, 8B). Hell: 2:39, 81, 167; 206, 217, 257, 275; 3:12, 116, 131, 151, 162, 196; 4:10, 14, 30, 93, 97, 115, 121, 140, 169; 5:10, 37, 72, 86; 6:128; 7:18, 36; 8:14, 16, 36, 37; 9:17, 49, 63, 68, 73, 95, 113; 10:8; 11:16, 17, 98, 113, 119; 13:18, 35; 14:29, 30; 16:229, 62; 17:63; 18:100, 102, 106; 19:72, 86; 21:29; 22:4, 51, 72; 24, 57; 25:65; 26:91; 29:25, 68; 32:13; 33:64; 34:42; 36:63; 38:27, 85; 39:8, 19, 32, 60, 71, 72; 40:6, 48, 76; 41:19, 24, 28; 42:7; 43:74; 45:34; 46:34; 47:12; 48:6, 13; 50:24; 51:13; 57:15, 19; 58:8; 59:3; 64:10; 66:9, 10; 72:23; 79:39; 81:12; 82:14; 83:16; 84:12; 87:12; 92:14; 98:6; 111:3 (= 61A, 50B).  
 476 Qur'an 2:97, 223; 9:112; 10:64; 22:34, 37:27:2; 39:17; 46:12; (= 4A, 5B).  
 477 Qur'an 4:104; 18:46; 35:29 (= 2A, 1B).  
 478 Qur'an 4:95; 18:46; 35:29 (= 2A, 1B).  
 479 Qur'an 23:111; 24:52; 33:71; 40:51 (= 2A, 2B).  
 480 Qur'an 33:47 (= 1B).  
 481 Qur'an 2:143:3:171, 195 (= 3B).  
 482 Qur'an 3:115; 21:94 (= 1A, 1B).  
 483 Qur'an 2:158; 4:147; 117:19; 42:23; 64:17 (= 2A, 3B).

- 484 Qur'an 2:5, 189; 3:104, 130; 5:90; 7:8, 157; 8:45; 22:77; 23:1, 102; 29:31, 51; 28:67; 30:38; 31:5; 59:9; 62:10; 64:16; 87:14; 91:9 (= 9A, 12B).
- 485 Qur'an 3:14; 4:59; 11:49; 13:29; 17:35; 19:76; 20:132; 28:83; 43:35 (= 7A, 2B).
- 486 Qur'an 2:184, *ibid.*, 197, 271, 280; 3:110; 4:25, 46, 170; 9:3, 41, 74; 16:126; 18:46; 19:76; 22:30; 24:27, 60; 29:16; 30:38; 47:21; 64:16 (= 5A, 17B).
- 487 Qur'an 2:110; 3:30; 94:7 (= 1A, 2B).
- 488 Qur'an 42:23; 73:20 (= 1A, 1B).
- 489 Qur'an 2:272; 3:57; 4:173; 8:60; 20:112; 35:30; 39:10; 49:14; 72:13 (= 4A, 6B).
- 490 Qur'an 2:245, 261, 276; 4:40; 30:39; 34:37; 57:18; 64:17 (= 3A, 5B).
- 491 Qur'an 16:96-7; 24:38 (= 1A, 1B).
- 492 Qur'an 4:40, 173; 10:26; 30:45; 42:26 (= 3A, 2B).
- 493 Qur'an 2:61, 112, 262, 274, 277; 3:199; 4:100, 152; 7:170; 9:120; 11:115; 42:40; 47:36; 57:19 (= 4A, 10B).
- 494 Qur'an 3:172, 179; 4:67, 74, 114, 146, 162; 17:9; 18:2; 22:58; 33:29, 35, 44; 35:7; 48:10, 16, 29; 49:3; 62:7; 65:5; 67:12 (= 5A, 16B).
- 495 Qur'an 2:103; 27:89; 28:84 (= 2A, 1B).
- 496 Qur'an 8:4, 74; 22:50; 24:26; 33:31, 44; 39:4; 36:11; 57:18 (= 3A, 6B).
- 497 Qur'an 41:8; 68:3; 84:25; 95:6 (= 4A).
- 498 Qur'an 4:31; 22:59 (= 2B).
- 499 Qur'an 101:7 (= 1A).
- 500 Qur'an 82:13 (= 1A).
- 501 For example, Qur'an 26:277; 28:61; 43:83; 46:12; 50:45; 99:8.
- 502 Qur'an 2:7, 10, 79, 85, 90, 96, 104, 114, 162, 165, 174, 178, 196, 211; 3:4, 21, 56, 77, 88, 91, 105, 106, 176, 177, 178, 188; 4:18, 37, 102, 138, 151, 161, 173; 5:2, 32, 36, 73, 80, 94, 95; 6:49, 93, 147, 157, 160; 8:25; 9:3, 61, 74, 79, 90, 101; 10:15, 27, 52, 70; 11:3; 12:110; 13:25, 34; 14:2, 22; 16:63, 88, 94, 104, 106, 117; 17:10; 18:2; 19:37, 79; 20:127; 22:18, 25, 57; 24:11, 19, 23, 63; 25:19, 27, 69; 26:213; 27:5; 28:64, 84; 29:23; 30:16; 31:6, 7, 24; 32:22; 33:8, 30, 57, 73; 34:5, 8, 38; 35:7, 10; 37:33, 38; 38:26; 39:13, 26, 47, 54, 55; 41:6, 27, 50; 42:16, 21, 26, 42, 45; 43:39, 65; 45:7, 8, 9, 10, 11; 46:20; 48:16, 17; 51:60; 52:7, 45; 57:13, 20; 58:4, 5, 15, 16; 59:4, 7, 15; 64:5; 65:10; 67:28; 68:33; 70:1; 72:17; 76:31; 77:15, 19, 24, 28, 34, 37, 40, 45, 47, 49; 83:1; 84:24; 88:24; 107:4 (= 94A, 66B).
- 503 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Ba'ad al-Khalq', Bāb 7.
- 504 Qur'an 2:38, 62, 112, 262, 274, 277; 3:170; 5:69; 6:48; 7:35, 49; 10:62; 15:46; 27:89; 34:37; 41:30, 40; 43:63; 44:55; 46:13 (= 12A, 8B).
- 505 Qur'an 2:38, 62, 112, 262, 274, 277; 3:170; 5:69; 6:48; 7:35, 49; 10:62; 21:103; 35:34; 39:81; 41:30; 43:68; 46:13 (= 10A, 8B).
- 506 Qur'an 66:8 (= 1B).
- 507 Qur'an 2:268, 271; 3:133, 136, 157, 195; 4:31, 129; 5:9, 65; 8:4, 29, 74; 11:11; 24:22, 26; 29:7; 33:35, 71; 34:4; 35:7; 36:11; 39:35; 40:7; 42:25; 46:16, 31; 47:2; 48:5, 29; 49:3; 57:20, 21, 28; 61:12; 64:9, 17; 65:5; 66:8; 67:12 (= 16A, 24B).
- 508 The flexibility of some Arab terms is such that the same word can have several meanings, variously coloured according to whether it is alone or accompanied by another one that is related to it. The word *rahma*, mercy, must be included as one of these. With the word *rā'fī*, 'compassion', it fulfils a positive function, and means generosity, but with the word *faḍl*, 'grace', it plays a rather negative role and means deliverance from pain, preservation from evil. By itself, it may mean both at the same time; therefore the idea of 'protection' exists in the two latter cases (cf. 6:16; 40:9).

- 509 Qur'an 2:218; 3:107, 132, 157; 4:129, 175; 6:155; 7:57, 204; 9:21, 71, 99; 10:58; 19:85; 24:56; 27:46; 36:58; 42:8; 43:32; 45:30; 49:10; 57:13; 76:31 (= 12A, 11B).
- 510 Qur'an 7:45; 15:47; 19:96; 43:67 (= 4A).
- 511 Qur'an 75:23 (= 1A).
- 512 Qur'an 30:15; 43:70; 76:11; 80:39; 84:9 (= 5A).
- 513 Qur'an 17:79; 37:42; 70:35 (= 3A).
- 514 Qur'an 3:106; 75:22; 76:11; 80:38; 83:24; 88:8 (= 5A, 1B).
- 515 Qur'an 2:212; 83:29 (= 1A, 1B).
- 516 Qur'an 57:12, 19; 66:8 (= 2A, 1B).
- 517 Qur'an 4:69; 29:9; 89:29 (= 2A, 1B).
- 518 Qur'an 13:23; 36:56; 40:8; 43:70; 52:21 (= 5A).
- 519 Qur'an 21:103; 39:73 (= 2A).
- 520 Qur'an 13:23, 24 (= 2A).
- 521 Qur'an 10:2 (= 1A).
- 522 Qur'an 33:44; 36:58 (= 1A, 1B).
- 523 Qur'an 55:11 (= 1A).
- 524 Qur'an 4:96; 8:4; 9:20; 58:11 (= 4B).
- 525 Qur'an 54:55 (= 1A).
- 526 Qur'an 3:15; 57:20 (= 1A, 1B).
- 527 Qur'an 5:119; 9:100; 58:22; 89:28; 92:21 98:8 (= 2A, 4B).
- 528 Qur'an 88:9 (= 1A).
- 529 Qur'an 7:43, 44; 39:74 (= 3A).
- 530 Qur'an 19:62; 56:25; 88:11 (= 3A).
- 531 Qur'an 10:10; 19:23; 19:62; 25:75 56:26 (= 5A).
- 532 Qur'an 10:10 (= 1A).
- 533 Qur'an 44:56.
- 534 Qur'an 39:61; 40:7, 9; 44:56; 46:31; 52:18; 27; 61:10; 66:6; 76:11; 92:17.
- 535 Qur'an 21:101-102.
- 536 Qur'an 15:48; 35:35; 56:89.
- 537 Qur'an 15:46; 50:34; 56:91.
- 538 Qur'an 6:127; 10:25.
- 539 Qur'an 76:20.
- 540 Qur'an 3:133; 57:21 (= 1A, 1B).
- 541 Qur'an 39:74 (= 1A).
- 542 Qur'an 4:57; 13:35; 36:56; 56:30; 76:14; 77:41 (= 5A, 1B).
- 543 Qur'an 76:31 (= 1A).
- 544 Qur'an 25:24 (= 1A).
- 545 Qur'an 54:54 (= 1A).
- 546 Qur'an 47:15 (= 1A).
- 547 Qur'an 15:45; 44:52; 55:50, 66; 56:31; 77:41; 88:12 (= 7A).
- 548 Qur'an 76:5, 17; 83:27 (= 3A).
- 549 Qur'an 36:57; 47:15; 55:68; 77:42; 78:32 (= 4A, 1B).
- 550 Qur'an 43:73; 55:52; 56:32 (= 3A).
- 551 Qur'an 55:54; 69:23; 76:14 (= 3A).
- 552 Qur'an 13:35; 56:33 (= 2A).
- 553 Qur'an 56:33 (= 1A).
- 554 Qur'an 9:72; 61:12 (= 2B).
- 555 Qur'an 25:75; 29:58; 34:37; 39:20; 69:22; 88:10 (= 6A).

- 556 Qur'an 2:25; 3:15, 136, 195, 198; 4:13, 57, 122; 5:85; 7:43; 9:72, 89; 10:9; 14:22; 16:31; 18:31; 22:14, 23; 29:58; 47:12; 48:5, 17; 57:12; 58:22; 61:12; 69:9; 65:11; 85:11; 98:8 (= 9A, 20B).
- 557 Qur'an 56:34; 88:13 (= 2A).
- 558 Qur'an 56:15 (= 1A).
- 559 Qur'an 55:54 (= 1A).
- 560 Qur'an 88:14–16 (= 1A).
- 561 See endnote 158 above.
- 562 Qur'an 18:31; 22:23; 35:33; 76:21 (= 3A, 1B).
- 563 The same verses and 46:53 (= 1A).
- 564 Qur'an 18:31; 76:21 (= 2A).
- 565 Qur'an 15:47; 18:31; 36:56; 37:44; 38:51; 52:20; 76:13; 83:23 (= 8A).
- 566 Qur'an 15:47; 37:44; 44:53; 56:16 (= 4A).
- 567 Qur'an 37:50; 52:25; 74:40 (= 3A).
- 568 Qur'an 36:55 (= 1A).
- 569 Qur'an 36:57; 38:51; 44:55 (= 3A).
- 570 Qur'an 52:24; 56:17; 76:19 (= 3A).
- 571 Qur'an 43:7 (= 1A).
- 572 Qur'an 56:18 (= 1A).
- 573 Qur'an 76:15 (= 1A).
- 574 Qur'an 36:41 (= 1A).
- 575 Qur'an 19:62 (= 1A).
- 576 Qur'an 37:45; 52:23; 56:18; 76:17; 78:34; 83:25 (= 6A).
- 577 Qur'an 52:22; 56:21 (= 2A).
- 578 Qur'an 2:25; 52:22; 56:20 (= 2A, 1B).
- 579 Qur'an 43:71 (= 1A).
- 580 Qur'an 16:31; 39:34 (= 2A).
- 581 Qur'an 50:35 (= 1A).
- 582 Qur'an 9:72.
- 583 Qur'an 10:58.
- 584 Qur'an 89:29–30.
- 585 Qur'an 7:43.
- 586 Cf. Galāl al-Dīn, *Tafsīr* on that verse.
- 587 Qur'an 37:47.
- 588 Qur'an 56:19.
- 589 Qur'an 78:35.
- 590 Qur'an 52:23.
- 591 Qur'an 56:36.
- 592 Qur'an, 56:37.
- 593 Qur'an 30:21.
- 594 Qur'an 55:72.
- 595 Cf. al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-Nikāḥ*', Bāb 16.
- 596 Qur'an 56:35, 61.
- 597 Qur'an 32:17.
- 598 Cf. al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-Tawḥīd*', Bāb 35.
- 599 Al-Ṭabarī, *Tafsīr*, vol. 1, p. 135.
- 600 Qur'an 2:217, 264, 266, 276; 3:22, 117; 5:5, 53; 7:147; 9:17, 52, 53–69; 11:16; 14:18; 18:105; 24:39; 25:23; 33:19; 39:65; 47:9, 28, 32; 49:2 (= 6A, 18B).



- 601 Qur'an 6:94; 11:21; 16:87; 28:75; 35:14; 40:74; 41:48; 46:28 (= 8A).  
 602 Qur'an 29:23 (= 1A).  
 603 Qur'an 4:137, 168; 47:34 (= 3B).  
 604 Qur'an 83:15 (= 1A).  
 605 Qur'an 2:174; 3:77 (= 2B).  
 606 Qur'an 57:13 (= 1A).  
 607 Qur'an 17:72, 97; 20:124 (= 3A).  
 608 Qur'an 34:54 (= 1A).  
 609 Qur'an 60:13 (= 1B).  
 610 Qur'an 2:102; 3:77, 176; 42:20 (= 1A, 3B).  
 611 Qur'an 7:51; 45:34 (= 2A).  
 612 Qur'an 17:22 (= 1A).  
 613 Qur'an 17:18, 39 (= 2A).  
 614 Qur'an 42:8 (= 1A).  
 615 Qur'an 7:40 (= 1A).  
 616 Qur'an 16:84; 77:35, 36 (= 3A).  
 617 Qur'an 6:21, 135; 10:17, 70; 16:117; 20:111; 23:117; 28:37; 91:10 (= 9A).  
 618 Qur'an 2:27, 121; 3:85, 149; 4:119; 5:5, 52; 6:31, 140; 7:9, 53, 178; 9:69; 10:45-95; 11:21; 16:109; 22:11; 23:103; 29:52; 35, 39; 39:15, 63, 65; 41:23, 25; 45:27; 46:18; 58:19; 63:9; 103:2 (= 22A, 9B).  
 619 Qur'an 32:12; 42:45; 68:43; 70:44; 88:2 (= 5A).  
 620 Qur'an 3:106; 39:60 (= 2A).  
 621 Qur'an 75:24 (= 1A).  
 622 Qur'an 10:27; 80:40, 41 (= 3A).  
 623 Qur'an 3:30 (= 1B).  
 624 Qur'an 18:49 (= 1A).  
 625 Qur'an 24:24; 36:65; 41:20 (= 2A, 1B).  
 626 Qur'an 6:31; 20:101 (= 2A).  
 627 Qur'an 3:180 (= 1B).  
 628 Qur'an 17:18, 22 (= 2A).  
 629 Ibid., 39 (= 1A).  
 630 Qur'an 40:10 (= 1A).  
 631 Qur'an 6:124; 10:27; 16:27; 22:18; 25:69; 27:18; 40:60 (= 6A, 1B).  
 632 Qur'an 11:18 (= 1A).  
 633 Qur'an 69:25, 26, 27; 78:40 (= 4A).  
 634 Qur'an 10:54; 21:97; 34:33 (= 3A).  
 635 Qur'an 2:166 (= 1B).  
 636 Qur'an 6:27; 26:102; 89:24 (= 3A).  
 637 Qur'an 25:27-29 (= 1A).  
 638 Qur'an 7:50; 78:24; 88:6, 7.  
 639 Qur'an 17:8 (= 1A).  
 640 Qur'an 15:44 (= 1A).  
 641 Qur'an 66:6; 74:30-31 (= 2A).  
 642 Qur'an 4:145 (= 1B).  
 643 Qur'an 90:20; 104:8 (= 2A).  
 644 Qur'an 3:103 (= 1B).  
 645 Qur'an 101:9, 11 (= 2A).  
 646 Qur'an 25:12 (= 1A).

- 647 Qur'an 67:7 (= 1A).  
 648 Qur'an 77:32 (= 1A).  
 649 Qur'an 25:13; 89:26 (= 2A).  
 650 Qur'an 13:5; 14:49; 34:33; 40:71; 55:41; 69:30; 76:4; 96:15 (= 8A).  
 651 Qur'an 40:71; 69:32; 76:4 (= 3A).  
 652 Qur'an 17:97; 25:34; 39:24 (= 3A).  
 653 Qur'an 27:90 (= 1A).  
 654 Qur'an 25:13 (= 1A).  
 655 Qur'an 89:25 (= 1A).  
 656 Qur'an 8:50; 22:9, 22; 85:10 (= 1A, 3B).  
 657 Qur'an 2:24; 2:10, 11:98; 60:6; 72:15 (= 2A, 3B).  
 658 Qur'an 22:21–22; 32:20 (= 1A, 1B).  
 659 Qur'an 7:41; 18:29; 29:54–5; 39:16 (= 4A).  
 660 Qur'an 14:50; 23:104; 33:66 (= 2A, 1B).  
 661 Qur'an 70:16 (= 1A).  
 662 Qur'an 74:29 (= 1A).  
 663 Qur'an 104:7 (= 1A).  
 664 Qur'an 9:35 (= 1B).  
 665 Qur'an 23:107; 35:36; 40:49; 43:77 (= 4A).  
 666 Qur'an 11:106; 21:100 (= 2A).  
 667 Qur'an 4:56 (= 1B).  
 668 Qur'an 40:71–72; 55:44 (= 2A).  
 669 Qur'an 22:19, 20; 44:48 (= 1A, 2B).  
 670 Qur'an 6:70; 10:4; 18:29; 37:67; 38:57; 47:15; 56:54–55; 78:25; 88:5 (= 10A, 1B).  
 671 Qur'an 14:16–17; 69:36 (= 2A).  
 672 Qur'an 37:66; 44:43–6; 56:52–53 (= 3A).  
 673 Qur'an 73:12–13 (= 1A).  
 674 Qur'an 56:42 (= 1A).  
 675 Qur'an 56:43–4; 77:30 (= 2A).  
 676 Qur'an 38:57–8; 78:25 (= 2A).  
 677 Qur'an 88:3 (= 1A).  
 678 Qur'an 3:191; 9:63; 11:60.  
 679 Qur'an 38:64.  
 680 Qur'an 43:67.  
 681 Qur'an 7:38; 29:25.  
 682 See Boutteville, *La morale de l'église et la morale naturelle*, p. 445.  
 683 Ibn Taymiyya, *Minhāj*, vol. 1, p. 82.  
 684 Ibid.  
 685 Qur'an 74:56.  
 686 Qur'an 6:115.  
 687 It is known that the texts revealed after the Hijra make up only about one third of the Qur'an.  
 688 Cf. A. Boulanger, *Doctrine Catholique*, part one, pp. 231–33.  
 689 Matthew 10:28.  
 690 Matthew 13:43.  
 691 Mark 9:43–8.  
 692 Luke 16:24.  
 693 John, Revelation 21:8.

- 694 Descartes, 'Réponses aux 5èmes objections'.
- 695 Luke 22:29-30.
- 696 Luke 14:12-14.
- 697 Matthew 26:29; Mark 14:25; Luke 22:18.
- 698 Cf. Luke 22:15, 16.
- 699 John, Revelation 2:7.
- 700 John, Revelation 2:17.
- 701 John, Revelation 3:5.
- 702 John, Revelation, 21:6.
- 703 John, Revelation 7:16.
- 704 John, Revelation 21:18.
- 705 John, Revelation 21:19.
- 706 John, Revelation 22:2.
- 707 Cf. Fillion, *Vie de N. S. Jésus*, vol. 3, p. 581.
- 708 Cf. St. Paul, Corinthians 2:9.
- 709 Qur'an 10:45.
- 710 Cf. T. Andrae, *Mohammed, sa vie et sa doctrine*, p. 87.
- 711 Cf. Tassy, *Les lois de mahomet*, p. 132.
- 712 Qur'an 13:35; 47:15.
- 713 Qur'an 2:25.

#### 4. Intention and Inclinations

- 1 Kant, *Fondements de la métaphysique des mœurs*, § 2, p. 148.
- 2 See above, ch 2, § 3, Social aspect of responsibility.
- 3 Qur'an 4:43.
- 4 Qur'an 9:54.
- 5 Qur'an 9:56.
- 6 Qur'an 4:65.
- 7 The Qur'an describes this sanctuary as the oldest religious establishment which has ever existed on earth (Qur'an 3:96).
- 8 See Kant, *Fondements de la métaphysique des mœurs*, first phrase in the first section.
- 9 We will deal later with another kind of deviation which consists, not in ignoring the legal characteristic of the action itself, but precisely in wanting to serve this legality to the letter in order to disguise another operation which is prohibited by the law. These are ruses which certain men of the world employ, with the aim of making usury and fraud appear as things that are legal; in the second section of the chapter, where there will be a question of two intentions subordinated to each other, we will return to study how, from this perspective, the divergence is not related to the immediate object, but to its ends (see below, § 2, D, 3-).
- 10 Qur'an 6:108.
- 11 Qur'an 49:12.
- 12 Qur'an 4:140; 6:68.
- 13 It can be clearly seen that moral evil does not come from that which the will brings to one action in view of another, but rather, on the contrary, from a kind of myopia of the conscience which cannot see beyond the immediate action.
- 14 If the good intention (defined as a mistrust of the conscience in the moral character of the actual action) is at this point unknown, what can be said about the case called just as commonly 'good intention', where the author of the action,

while seeing an intrinsic error in it, believes he can legitimise it by wishing it to contribute to some good work? This is what is done by the false preachers and propagators of the faith, who, after forging beautiful exhortations, attribute them to the Prophet in order, so they say, to incite people to virtue in a better way; thus do those innovators of ritual matters, in order to celebrate the glory of God, and the ambitious politicians who exterminate their innocent rivals under the pretext of serving the fatherland better. To take the traditional example, this is how the fallen woman behaves, who intends to give alms from her immoral gains. No, the most beautiful and just ends do not justify means which are not instituted as such by moral law.

- 15 Al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 316.
- 16 Al-Bukhārī, *Ṣaḥīḥ*, first *ḥadīth*.
- 17 Muslim, *Ṣaḥīḥ*, '*Kitāb al-Aqḍiyya*', Bāb 8.
- 18 Muslim, *Ṣaḥīḥ*, '*Kitāb al-Libās*', Bāb 10.
- 19 See Abū Ṭālib al-Makkī, *Qūt al-qulūb*, vol. 4, p. 33.
- 20 Cf. Ibn Taymiyya, *al-Ḥisba*.
- 21 Al-Tirmidhī, *Sunan*, '*Kitāb al-Aḥkām*', Bāb 1.
- 22 Al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-Iʿtishām*', Bāb 21.
- 23 Cf. Qur'an 9:49.
- 24 For example, Qur'an 2:62; 2:18; 17:19, 4:151.
- 25 Qur'an 22:3; 49:3.
- 26 Qur'an 26:89; 50:33.
- 27 Qur'an 2:189.
- 28 Qur'an 5:2.
- 29 Muslim, *Ṣaḥīḥ*, '*Kitāb al-Birr*', Bāb 7.
- 30 Cf. al-Ḥakīm al-Tirmidhī, '*Kitāb al-akyās wa'l-muḡtarrīn*', fo. 111.
- 31 Cf. al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 315.
- 32 Al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-Īmān*', Bāb 39.
- 33 Al-Bayhaqī, quoted by al-Suyūṭī, *al-Jāmiʿ*.
- 34 Al-Tirmidhī, *Jawāb al-masāʾil*, fo. 216.
- 35 Qur'an 2:265.
- 36 Qur'an 9:103.
- 37 Cf. al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 314.
- 38 Cf. al-Makkī, *Qūt al-qulūb*, vol. 4, p. 35.
- 39 Cf. al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 314.
- 40 Namely: *innamā al-aʿmāl bi'l-niyyāt*.
- 41 Al-Qastalānī, *Irshād*, vol. 1, p. 52.
- 42 Al-Muḥāsibī says that there is intention which is a determined desire, and intention which is a desire that neglects that which it loves; like someone who would like to fast but who has decided not to do; who would like to pray when he is seized by laziness; who wishes to abandon his bad habits, but who does not have a soul courageous enough to make his repentance (al-Muḥāsibī, *al-Riʿāya*, fo. 66).
- 43 Cf. al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-ʿItq*', Bāb 5.
- 44 Qur'an 17:36.
- 45 Cf. al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-Īmān*', Bāb 21.
- 46 Cf. al-Bukhārī, *Ṣaḥīḥ*, '*Kitāb al-Maghāzī*', Bāb 82: Tabūk.
- 47 Meaning to say, those who wished to possess the resources to be able to be as generous.

- 48 Al-Tirmidhī, *'Kitāb al-Zuhd'*, Bāb 15.  
 49 Qur'an 46:19.  
 50 Qur'an 99:7-8.  
 51 Al-Bukhārī, *Ṣaḥīḥ*, *'Kitāb al-Riqāq'*, Bāb 30; Muslim, *'Kitāb al-Īmān'*, Bāb 57.  
 52 According to the commentators, it must only be understood as those whose presence at the front is not indispensable to communal defence.  
 53 Qur'an 4:95.  
 54 Qur'an 9:120-1.  
 55 Cf. al-Bukhārī, *Ṣaḥīḥ*, first *ḥadīth*.  
 56 Ibid.  
 57 Ibid.  
 58 Cf. Kant, *Fondements de la métaphysique des mœurs*, § 2, second paragraph.  
 59 Al-Ghazālī, *Iḥyā'*, vol. 4, p. 319.  
 60 Qur'an 12:87.  
 61 Qur'an 7:99.  
 62 Qur'an 39:9.  
 63 Qur'an 51:56.  
 64 Qur'an 2:139; 7:29; 39:2, 11, 14; 40:14, 65; 98:5.  
 65 For example, Qur'an 4:135; 28:50; 38:26.  
 66 Qur'an 4:108, 142; 5:54; 33:39.  
 67 Qur'an 76:9.  
 68 Taking this statement in its most widely accepted meaning, many commentators extend this prohibition to any movement of the soul, however little self-interested it may be, in expectation of being generously rewarded by God. In this extension, the imperative concerns an absolute, rigorous prohibition or an exaltation of the ideal, which we shall discuss later.  
 69 Mālik, *Muwatta'a*, *'Kitāb Targhib fī'l-sadaqa'*, Bāb 1.  
 70 Qur'an 2:272; 4:114; 20:14; 30:39.  
 71 In the 500 pages of our [original] edition, we have mentioned the Divine 10,620 times. This makes an average of more than 20 mentions per 15-line page. Only 32 pages have fewer than 10 reminders each.  
 72 Qur'an 45:13.  
 73 See for example Qur'an 3:14; 40:39; 43:35.  
 74 Qur'an 43:12-13.  
 75 Qur'an 25:43-44.  
 76 Qur'an 9:98; 54.  
 77 Such is the case of the man who fights among the believers, driven solely by a feeling of 'courage' or blind 'patriotism' and does not deserve the title of 'warrior in God's way'. Cf. al-Bukhārī, *'Kitāb al-Jihād'*, Bāb 15. Such people remain on the margins of morality.  
 78 Qur'an 2:273.  
 79 Qur'an 59:9.  
 80 Mālik, *Muwatta'a*, *'Kitāb Targhib fī'l-sadaqa'*, Bāb 1.  
 81 Al-Makkī, *Qūt al-qulūb*, vol. 4, p. 40.  
 82 Cf. Abū Nu'aym, *al-Hilya*, quoted by Amīr, notes on Ibn Hishām, *Mughnī*, article: 'law'.  
 83 Al-Tirmidhī, *Masā'il wa-ajwibatuhā*, p. 299.  
 84 Al-Tirmidhī, *Masā'il wa-ajwibatuhā*, p. 308.

- 85 Al-Tirmidhī, *Masāʾil wa-ajwibatuhā*, 'Jawāb masāʾil', p. 233.
- 86 Al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 320.
- 87 Ibid., p. 320.
- 88 Al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, pp.193–237.
- 89 Words attributed to the Prophet from a weak source, according to al-Suyūṭī, *al-Jāmiʿ*.
- 90 Al-Tirmidhī, *Sunan*, 'Kitāb al-Sifāt al-qiyāma', Bāb 30.
- 91 Qur'an 18:6; 16:127; 11:12.
- 92 Cf. al-Ghazālī, *Iḥyāʾ*, vol. 2, 67; 4, 78.
- 93 Qur'an 4:75.
- 94 Qur'an 2:193.
- 95 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Tawḥīd', Bāb 28.
- 96 Qur'an 4:66.
- 97 Qur'an 4:65.
- 98 Mixed motives are reserved for the fifth and final section.
- 99 Al-Bāqillānī, quoted and approved by al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 326.
- 100 Mālik, *Muwattaʾa*, 'Kitāb al-Jihād', Bāb 1; al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Musāqāt', Bāb 13; Muslim, *Ṣaḥīḥ*, 'Kitāb al-Zakāt', Bāb 6.
- 101 Qur'an 5:3.
- 102 Qur'an 24:48–50.
- 103 Qur'an, 24:51.
- 104 We shall see that it is doubly complex, since one must consider within the same action the objectives of the Legislator and those of the subject, both principal and secondary.
- 105 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Murḍā', Bāb 19.
- 106 Qur'an 2:153; 7:56.
- 107 Aḥmad, *Musnad*, vol. 5, p. 388.
- 108 Qur'an 27:19.
- 109 Qur'an 26:89.
- 110 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Tahajjud', vol. 6.
- 111 Al-Ṭabarānī, quoted by al-Suyūṭī, *al-Jāmiʿ*.
- 112 Qur'an 23:60; 46:9.
- 113 See for example Qur'an 7:55, 56; 17:57; 39:9.
- 114 Cf. Mālik, *Muwattaʾa*, 'Kitāb al-Jāmiʿ', Bāb 2. A variant is in Ibn Mājah, *Sunan*, 'Kitāb al-Zuhd', Bāb 17.
- 115 Cf. al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 326.
- 116 Cf. Ibn Mājah, 'Kitāb al-Tijāra', Bāb 1.
- 117 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Zakāt', Bāb 49. See also above for the ḥadīth about horses.
- 118 For example, to be well-dressed and well-heeled; these two examples are given in texts.
- 119 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 'Kitāb al-Kibr'.
- 120 Cf. al-Tirmidhī, 'Kitāb al-Adab', Bāb 53.
- 121 Aḥmad, *Musnad*, vol. 2, p.108.
- 122 Cf. al-Nisāʾī, quoted by al-Suyūṭī, *al-Jāmiʿ*.
- 123 Like 'Alī: *rawiḥū al-qulūb fa-innahā idhā ukrahat ʿamiyat, and Abī Dardā: innī laʾastahimm nafsī bi-shayʾ min al-lahw, fa-yakūna dhālikaʿawnan lī ʿalā al-haqq*, quoted by al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 321.

- 124 See al-Ḥakīm al-Tirmidhī, *Sunan, Riyāḍa*.
- 125 Cf. al-Ḥakīm al-Tirmidhī, *Sunan, Riyāḍa*, fos 364–7; 380. See also al-Muḥāsibī, *al-Ri'āya*, fo. 50.
- 126 This is what is told of Sahl ibn 'Alī al-Marwazī (from Merv), who for some time had not walked through the market place without lowering his eyes and having cotton wool in his ears; during that time he ordered his sister-in-law to hide herself from his gaze, but later on he abandoned all these precautions. Another unnamed person of the generation after the Prophet imposed absolute silence upon himself for many years, keeping a stone in his mouth which he would only take out at the time of prayer and for meals (cf. al-Ḥakīm al-Tirmidhī, *ibid.*, fos 367–8).
- 127 Cf. al-Ghazālī, *Ihyā'*, vol. 4, p. 321.
- 128 Cf. al-Muḥāsibī, *al-Ri'āya*, fo. 54.
- 129 Qur'an 2:184–5; 4:25–8.
- 130 Masrūq has said as much; cf. al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, p. 205.
- 131 Qur'an 26:89; 50:33.
- 132 Qur'an 9:103; 33:33, 53.
- 133 Qur'an 2:265.
- 134 Al-Makkī, *Qūt al-qulūb*, vol. 4, p. 40.
- 135 Qur'an 6:153.
- 136 Qur'an 4:19.
- 137 Qur'an 4:128.
- 138 Qur'an 4:35.
- 139 Qur'an 2:228.
- 140 Qur'an 2:229.
- 141 Qur'an 2:228; *ibid.*, 230.
- 142 Qur'an 2:231.
- 143 Qur'an 4:12.
- 144 For example Qur'an 2:233, 282; 65:6.
- 145 Mālik, *Muwatta'a*, 'Kitāb al-Aqdiyya', Bāb 26.
- 146 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ḥil', Bāb 3.
- 147 Qur'an 68:17–33.
- 148 Qur'an 4:29.
- 149 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 42.
- 150 Cf. al-Ḥakīm al-Tirmidhī, 'Kitāb al-akyās wa'l-mughtarrīn'.
- 151 Qur'an 7:163.
- 152 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Tafsīr', sūra 6, Bāb 6.
- 153 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ijāra', Bāb 20.
- 154 Pascal, *Les Provinciales*, Eighth Letter.
- 155 Qur'an 2:279.
- 156 Cf. Ibn Rushd, *Bidāya*, vol. 2, p. 117.
- 157 We have made an exception for the oath taken at a tribunal, because in this field, as Ibn Rushd has said (*Bidāya*, vol. 1, p. 337), everyone agrees upon the criterion established by the Prophet, whereby it becomes useless to resort to these equivocal words or to disguised restrictions in order to avoid an explicit lie, for, according to *ḥadīth*, the oath must be taken in the sense that the claimant intends (cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Yamīn', Bāb 4: *al-yamīn 'alā niyyat al-mustaḥlif*, or also *ibid.*: *yamīnuk 'alā mā yuṣaddīq 'alayhi sāhibak*). To speak the same language as

the others but intend a different meaning would wrong them and induce them to commit an error. It is a sin, as al-Ghazālī said, to lead someone towards an error, even through a tacit attitude, as is done when acquitting oneself of a debt by giving the impression that one is giving charity (cf. *Iḥyāʾ*, vol. 3, p. 259). Furthermore, can one tolerate the use of such equivocations when a life must be saved from being unjustly pursued?

- 158 Al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, p. 289.
- 159 Ibn Ḥazm, *al-Muḥallā*, vol. 2, p. 250.
- 160 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ḥajj', Bāb 132.
- 161 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Libās', Bāb 7.
- 162 Cf. Mālik, *Muwattaʿa*, 'Kitāb al-Ṣalāt al-Jumʿa'.
- 163 Qur'an 107:6.
- 164 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-ʿImāra', Bāb 43.
- 165 Aḥmad, *Musnad*, vol. 5, pp. 428–9.
- 166 See § 2, B above.
- 167 Cf. Hākim, *Mustadrak*, quoted by al-Suyūṭī, *Asbāb al-nuzūl*.
- 168 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Jihād', Bāb 15; Muslim, *Ṣaḥīḥ*, 'Kitāb al-ʿImāra', Bāb 42.
- 169 Al-Muḥāsibī, *al-Riʿāya*, fo. 64.
- 170 Al-Nisāʾī, 'Kitāb al-Jihād', Bāb 24.
- 171 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Zuhd', Bāb 5.
- 172 Al-Tirmidhī, *Sunan*, 'Kitāb al-Zuhd', 'Bāb Aʿmāl al-sirr'.
- 173 We also read in a traditional prayer: 'O God! I ask for your mercy for the good works that I perform for You, and when something enters my heart which does not belong to you.'
- 174 Qur'an 2:198.
- 175 Al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 329.
- 176 Al-Ghazālī, *Iḥyāʾ*, vol. 4, p. 330.
- 177 Al-Muḥāsibī, *al-Riʿāya*, fo. 64.
- 178 Concerning the question of whether we must formulate a new intention for every action whose purity has been verified, the author does not appear to be very strict. Although it would be more preferable to do that, he states that it is enough to make the general intention once and for all to obey God for His sake only, but as soon as man feels invaded by another thought he must briskly push it aside and renew his intention to act only for God (al-Muḥāsibī, *al-Riʿāya*, fo. 64).
- 179 Ibid.

## 5. Effort

- 1 As the condition for establishing both the validity and the value of behaviour.
- 2 Cf. Qur'an 16:78.
- 3 Qur'an 91:7–8.
- 4 Qur'an 91:9–10.
- 5 Qur'an 9:105.
- 6 *Dictionnaire Littré*, article: 'Effort'.
- 7 Read Sabatier, *La Philosophie de l'effort*.
- 8 Qur'an 84:6.
- 9 Qur'an 64:16.
- 10 Qur'an 90:11–17.



- 11 Ségur, *Histoire de Napoléon*, vol. 8, part 2, cited by Littré, article: 'Effort'.
- 12 Epistle of Paul to the Romans 3:10.
- 13 Kant, *Critique de la raison pratique*, p. 89.
- 14 Kant, *Critique de la raison pratique*, p. 88.
- 15 Ibid.
- 16 See al-Ghazālī, *Ihyā'*, vol. 4, pp. 36–7.
- 17 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Riqāq', Bāb 37.
- 18 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Ṣifat al-qiyama'.
- 19 Qur'an 7:201.
- 20 Qur'an 7:200.
- 21 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Birr', Bāb 25.
- 22 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-At'ima', Bāb 32.
- 23 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-I'tiṣām', Bāb 24.
- 24 Cf. Mālik, 'Kitāb al-Jāmi', 'Bāb 'Aql al-ḍabb'.
- 25 Cf. al-Tirmidhī, 'Kitāb al-Birr', 'Bāb Mizāḥ'.
- 26 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Janāiz', Bāb 6.
- 27 Ibid.
- 28 Qur'an 26:3.
- 29 Cf. al-Nisā'ī, *Sunan*, 'Ishrat al-nisā'', Bāb 1.
- 30 Cf. Qushayrī, *Risāla*, vol. 2, p.131.
- 31 See, for example, al-Muḥāsibī, *al-Ri'āya*, fo. 50.
- 32 Qur'an 9:53–4.
- 33 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Riqāq', Bāb 19.
- 34 Qur'an 49:7.
- 35 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Adab', Bāb 33.
- 36 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Taḥwīd', Bāb 54. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Qadar', Bāb 1.
- 37 Qur'an 92:5–10.
- 38 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Qadar', Bāb 8.
- 39 Cf. al-Ṭabarānī, quoted by al-Suyūṭī, *al-Jāmi'*.
- 40 Cf. Qur'an 8:7–8.
- 41 Qur'an 57:10.
- 42 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Qadar', Bāb 8.
- 43 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ḥīl', Bāb 3.
- 44 See ch 1, § 2, B.
- 45 Qushayrī understood the concept of compensation well (see *al-Risāla*, *Faṣl al-'Irāda'*, vol. 3, p. 121). Later, Ibn 'Abbād makes a similar remark concerning the comparison between the *sālik-majdhūb* and the *majdhūb-sālik* (see *al-Rasa'il*, pp. 40–41).
- 46 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Khusūmāt', Bāb 1.
- 47 Qur'an 3:135; 4:17.
- 48 Qur'an 20:121.
- 49 Qur'an 27:11.
- 50 Qur'an 48:2.
- 51 Qur'an 20:115.
- 52 Qur'an 9:43.
- 53 Qur'an 27:10.
- 54 Qur'an 33:30–2.
- 55 Qur'an 4:31; 53:32.

- 56 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Dhikr', Bāb 12.
- 57 Qur'an 90:4.
- 58 Qur'an 5:87-8.
- 59 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Nikāḥ', Bāb 1.
- 60 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Nudhūr', Bāb 30.
- 61 Qur'an 62:10, 62:15.
- 62 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Adab', Bāb 33.
- 63 Qur'an 4:103.
- 64 Qur'an 2:239.
- 65 Qur'an 2:185.
- 66 Qur'an 2:189, 197.
- 67 Qur'an 9:37.
- 68 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 8.
- 69 Cf. Aḥmad, *Musnad*, vol. 3, p. 61.
- 70 Qur'an 5:32.
- 71 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ṣawm', Bāb 8.
- 72 Cf. Aḥmad, *Musnad*, vol. 4, p. 260.
- 73 Aḥmad, *Musnad*, vol. 1, p.195.
- 74 One could suggest passage 5:95, which treats fasting as an expiation, but the very quoting of the text shows clearly that it is rather the moral suffering of repentance: *so that he might feel the gravity of his actions: li-yadhūqa wa-bāl 'amrihi*. It is therefore the enormity of the action committed of which one wishes the person in error to be aware and not the material deprivation actually undergone. How elsewhere does one apply the aim of this physical suffering to other modes of sanction (offerings and charity) to which the passage also relates?
- 75 We say 'inevitable' because it is clear that our duty is not the same when difficulties happen to us through natural occurrences, such as illnesses or accidents, which can be put right or reduced. Such problems are not to be endured passively, but to stimulate our effort to defeat them. The Prophet says to us 'God has not created an evil without also having created a means of deliverance' (cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ṭibb', Bāb 1). He also said 'For every illness there is a remedy; when you find the appropriate remedy, you are saved, by the Grace of God the Most High' (cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Salām', Bāb 26). 'Use all medicines, except those that are forbidden' (cf. Abū Dāwūd, 'Kitāb al-Ṭibb', Bāb 10). One can say that bodily concerns do not always constitute a strict and universal duty. Those who have more important concerns than their body sometimes prefer to endure physical illness with courage rather than go to extraordinary or severe lengths to try to be healed.
- 76 Qur'an 4:28.
- 77 Qur'an 2:185.
- 78 See Alexis Carrel, *L'Homme, cet inconnu*, p. 274.
- 79 Ibn Mājah, *Sunan*, 'Kitāb al-Tijāra', Bāb 4.
- 80 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Masājīd', Bāb 50. We note that, in this example, no other solution would have made sense. On the one hand, the suburbs protect the city in some way; if everyone deserted them, the city would be defenceless; on the other hand, if one encouraged the inhabitants to go to one area, there would be disputes and antagonism.

- 81 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Buyū', Bāb 15.
- 82 Ibid. See also Muslim, *Ṣaḥīḥ*, 'Kitāb al-Zakāt', Bāb 87.
- 83 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb Wujūb al-zakāt', Bāb 20; ibid., 'Kitāb al-Wāsiyya', Bāb 2; Abū Dāwūd, *Sunan*, 'Kitāb al-Zakāt', Bāb 38.
- 84 Cf. Ibn Mājah, *Sunan*, 'Kitāb al-Tijāra', Bāb 1.
- 85 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Zakāt', Bāb 49.
- 86 Cf. al-Tirmidhī, *Sunan*, 'Kitāb al-Zuhd', Bāb 28.
- 87 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Zuhd', Bāb 13.
- 88 Cf. al-Tirmidhī, *Sunan*, 'Kitāb al-Ṣifāt al-qiyāma', Bāb 43 and Ibn Mājah, *Sunan*, 'Kitāb al-Ṣiyām', Bāb 55.
- 89 Cf. Muslim, *Ṣaḥīḥ*, 'Kitāb al-Ṣalāt', Bāb 79.
- 90 Muslim, *Ṣaḥīḥ*, 'Kitāb al-Ṣalāt', Bāb 79 and al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Da'awāt', Bāb 17.
- 91 Cf. al-Ghazālī, *Ihyā'*, vol. 2, pp.197 and following.
- 92 Qur'an 24:32-33.
- 93 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Sawm', Bāb 10.
- 94 Ibid. We think this is the origin and the only justified condition of the ascetic method recommended by so many moralists, whether Muslim or not. These privations and mortifications which moral technicians often enjoin on their disciples should not be seen as an end, but as a means for combating certain rebellious natures that are strongly dominated by their senses. Certainly the period of this struggle may vary according to each case, but it is always a temporary measure and not the normal, permanent state that is proposed to people in general.
- 95 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Riqāq', Bāb 33.
- 96 Cf. al-Tirmidhī, *Sunan*, 'Kitāb al-Jihād', Bāb 17.
- 97 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Fitan', Bāb 8.
- 98 Cf. al-Tirmidhī, *Sunan*, 'Kitāb al-Zuhd', Bāb 60.
- 99 Cf. al-Tirmidhī, *Sunan*, 'Kitāb al-Ṣifāt al-qiyāma', Bāb 55.
- 100 Cf. Qushayrī, *al-Risāla*, vol. 2, pp. 139-142. From al-Junayd, Dhū'l-Nūn and al-Daqqāq.
- 101 Qur'an 73:6.
- 102 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-I'tikāf', Bāb 1.
- 103 In French, just as in Arabic, 'struggle' and 'fight' are generic terms which can be applied equally to any type of moral or physical effort. The context does not mention war and these verses were probably given before such an institution. The *sūra* dates from the first part of the Hijra and also has some Meccan exceptions; according to Ibn Hazm's *al-Nāsikh wa mansūkh* slightly more than the second half is Meccan. This text is therefore particularly appropriate to support the general meaning of 'effort' that we have given it. As the Prophet said: 'the true combatant is the one who fights himself' (al-Tirmidhī, *Sunan*, 'Faḍā'il al-jihād', Bāb 2).
- 104 See ch 1, § II, 2. One can add to that other examples, such as the exemption from *ḥajj* and military duty for anyone who has no horse, nor any provisions for the journey (3:97; 9:91-2).
- 105 Qur'an 5:3.
- 106 Qur'an 2:184.
- 107 Qur'an 4:186; 42:43; 46: end.

- 108 Qur'an 2:237.
- 109 Qur'an 16:126.
- 110 Qur'an 73:20.
- 111 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Adab', Bāb 84–6.
- 112 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ṣawm', Bāb 35.
- 113 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ṣawm', Bāb 37; Muslim, 'Kitāb al-Ṣawm', Bāb 15.
- 114 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-ʿUmra', Bāb 58.
- 115 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Iʿtikāf', Bāb 1.
- 116 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Tahajjud', Bāb 6.
- 117 Al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Iʿtiṣām', Bāb 5.
- 118 Qur'an 2:207.
- 119 Al-Suyūṭī, *al-Dūrr al-manthūr*.
- 120 Cf. al-Shātībī, *al-Muwāfaqāt*, vol. 3, p. 254.
- 121 Qur'an 38:86.
- 122 Ahmad, via Anas.
- 123 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 29.
- 124 Qur'an 9:40, 81, 180.
- 125 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Ṣawm', Bāb 36; Muslim, *Ṣaḥīḥ*, 'Kitāb al-Ṣawm', Bāb 15.
- 126 Qur'an 2:228, 233, 236.
- 127 Qur'an 37:102–7.
- 128 Qur'an 28:7–8.
- 129 For example, Qur'an 3:102; 22:78.
- 130 Cf. al-Tirmidhī, 'Kitāb al-Ṣiḥāḥ al-qiyāma', Bāb 58.
- 131 Qur'an 5:87; 7:31.
- 132 Qur'an 23:5–7; 70:29–30.
- 133 Qur'an 6:141; 17:29; 25:67.
- 134 Qur'an 17:110; 31:19.
- 135 Aristotle, *Ethics*, bk 2, ch. 6.
- 136 Aristotle, *Ethics*, bk 2, ch. 6.
- 137 Aristotle, *Ethics*, bk 2, ch. 9.
- 138 Cf. al-Bukhārī, *Ṣaḥīḥ*, 'Kitāb al-Īmān', Bāb 29.

## 6. General Conclusion

- 1 See the Qur'anic extracts, which are listed under the following title 'Practical Ethics'.

## 7. Practical Ethics

- 1 That is to say, in our personal behaviour as well as in our relationships with others, or God.

## Practical Ethics: Extracts from the Qur'an

### 1. Personal Ethics

- 1 Qur'an 21:7.

## 2. Family Ethics

- 1 Polygamy is surrounded with many cautionary restrictions in the Qur'an, although it is not absolutely forbidden. Might not a complete prohibition go against nature? In every country and throughout the ages, one comes across some men who are satisfied with one spouse and others who, due to their innate nature, are more demanding. If the latter were prevented from starting another marriage in honest and open circumstances, might this not provoke them to bear resentment towards their first wife, even to the point that they might wish for her death? Might it not encourage them to commit hypocritical and treacherous infidelity? At the same time, it would allow them to treat humanity, in the person of unlawful women, as a simple means, an instrument of amusement without any right to make demands – in short, like a slave.

It seems to us that no clearly defined prohibition on this topic has ever been taught by any other revealed system of ethics. We see the opposite authorised or practised by many saints and prophets in the Bible. Those peoples who ban polygamy probably draw this prohibition from ethnic, rather than religious, tradition, but is this verbal proscription truly applied in actuality? One may certainly doubt it. Without going so far as to assert that it is practically more common and, in one sense, more unjust and underhand in societies where it is proscribed than in those in which it is legal, nevertheless, we find it paradoxical that whilst bigamy is forbidden, having a concubine, a mistress and all sorts of other free associations, are publicly accepted provided only that one doesn't sign an official contract legalising the situation. Could we not say that the progressive decline in the birth rate and the increasing incidence – either openly tolerated or hidden – of venereal diseases, aborted children, prostitutes, and so many other miseries, are the logical result of this anomaly in the law?

Of course, the disadvantages of polygamy must be acknowledged: the jealousy and rancorous rivalry that it arouses, not only between wives, but between the children born of several unions. But can this argument not equally be invoked against illegal polygamy? And how! Is this kind of disagreement not found under the most normal conditions, between children born of successive marriages, indeed even between siblings from the same parents? In reality, all these drawbacks of the emotional order – which, besides, education and discipline may cure to a certain degree – are negligible compared to all the other evils which rot modern societies, something upon which reformers may wish to reflect.

## 3. Social Ethics

- 1 Above and beyond such strong recommendations, there are particular cases where the Qur'an presents the freeing of slaves as a strict duty to expiate a sin, as, for example, in the case of involuntary killing (4:92) or following an oath (5:89). A proportion of the annual *zakāt* is specifically designated by the Qur'an for the freeing of slaves, whilst another share is set aside for relieving citizens of their debts (9:60). For its part, tradition not only restricted the basis of slavery by limiting the right to practice it to combatants fighting in a war for the legitimate defence of the faith, but noticeably reduced the distance that this ancient institution could create between social classes. Indeed, the Prophet made it a duty for owners to give their slaves the same food and clothes as themselves, and not to impose tasks that they could not perform themselves (cf. al-Bukhārī, *Sāḥih*, 'Kitāb

*al-Itq'*, Bāb 14). He also said that anyone who strikes a slave must free them to expiate their misdeed (Muslim, *Sāhiḥ*, 'Kitāb al-Īmān', Bāb 8). The Mālikite School stipulates that a wound inflicted upon a slave by his master means his automatic release from slavery, and that the offence of imposing hard labour necessitates his emancipation from his master's bondage.

#### 4. Religious Ethics

- 1 Might it not be said that this means as far as possible? As it is written, *be mindful of Allāh as much as you can* (64:16). Yes, without doubt, but the opposite position does not constitute a restriction in obedience, but in the very emission of the divine command, which in this case cannot take place: *Allāh does not burden any soul with more than it can bear* (2:286). It goes without saying that obedience to the Messenger, within the limits of his mission, is an integral part of obedience to God: *Whoever obeys the Messenger obeys Allāh* (4:80); *No, By your Lord, they will not be able to consider themselves true believers until they let you decide between them in all matters of dispute, and find no resistance to your decisions, accepting them totally* (ibid.: 65).



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